

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY Appeal

IN THE MATTER OF THE APPLICATION OF
RED ROOF INNS, INC.
FOR A VARIANCE ON PROPERTY LOCATED ON THE
SOUTHWEST CORNER WEST TIMONIUM ROAD AND
GREENSPRING DRIVE (111 WEST TIMONIUM ROAD)
8th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

ATTORNEYS
Gary C. Duvall
600 Washington Avenue
Ste. 300
(04) 823-8155

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
Appellee

Phyllis Cole Friedman
Peter Max Zimmerman
Room 304 County Office Building
111 Chesapeake Ave.
Towson, Md. 21204 (410) 887-2188

- (1) Nov 27, 1991 Appellant's Order for Appeal from the Order of the County Board of Appeals of Baltimore County with certificate of compliance, fd.
(2) Dec. 9, 1991 - Appellant's Amended Petition, fd.
(3) Dec. 9, 1991 - Appellant's Petition, fd.
(4) Dec. 27, 1991 - Transcript of Record, fd.
(5) Dec. 27, 1991 - Notice of filing of Record, fd.
(6) Jan. 7, 1992 - Appellee's Answer to Petition for Appeal, fd.
(7) Jan. 27, 1992 - Appellant's Memorandum in support of Amended Petition of appellant, Red Roof Inns, Inc., fd.
(8) Feb. 18, 1992 - People's Counsel Memorandum, fd.
(9) March 3, 1992 - Appellant's reply to People's Counsel's Memorandum, fd.
April 7, 1992 Hon. Robert E. Cahill Sr. Hearing had. Ruling held sub-curia. Ruling to be filed.
(10) July 24, 1992 - Memorandum opinion and Order of court that the issue presented to the Board was fairly debatable. Therefore, The Board's Decision should be, and it is, Affirmed. fd. (REC,SR)

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4/27/93 - AFFIRMED Circuit Court
which affirmed CBA (variance
denied)

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1406
September Term, 1992

RED ROOF INNS, INC.

v.

BALTIMORE COUNTY, MARYLAND

Garrity,
Wenner,
Harrell,

JJ.

Per Curiam

Filed: April 27, 1993

This appeal is from an order of the Circuit Court for Baltimore County (Cahill, Sr., J.) which affirmed a decision of the County Board of Appeals of Baltimore County (the Board) denying a variance to permit a larger and higher free-standing sign than that permitted in the county zoning regulations. Appellant, Red Roof Inns, Inc., had applied for the variance in connection with its business, and appellee, Baltimore County, opposed it.

Facts

In connection with the operation of its motel at the intersection of Timonium Road and Greenspring Drive, appellant asked the Zoning Commissioner to grant it variances from the Baltimore County Zoning Regulations relating to the size and number of signs which it could place on its property. The Commissioner granted several of appellant's zoning variance requests, which are not at issue here, but denied appellant's request to substantially increase beyond ordinance maximums the area of the sign face (25 to 216 square feet) and height (6 to 70 feet) of a stationary free-standing business sign. The Commissioner's decision was based at least in part on the Deputy Director of Planning's official comment regarding this matter, which indicated that the need for additional signage beyond that otherwise permitted by the regulations was "questionable" because the unique architectural features of the Inn already made it quite recognizable. The opinion recited the Planning Department's consistent opposition to requests for additional

signage on major road systems in the area and warned that the already existing sign congestion problem would be exacerbated and that a potential traffic hazard would result. In denying appellant's Request for Variance, the Zoning Commissioner found as follows:

(T)here is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variances were denied in part. The testimony presented by the Petitioner is in support of a matter of a preference rather than of a necessity for the variances. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome.

Appellant appealed the denial to the Baltimore County Board of Appeals, which held a de novo hearing before affirming the Commissioner's decision. The Board found that appellant failed to carry its burden of establishing practical difficulty or undue hardship as would justify a variance. The Board's conclusion rested, in part, on its belief that the testimony clearly demonstrated that appellant wants the taller sign "principally for advertising purposes to attract motorists on Interstate 83 (and) to be able to compete with other motels in the area." The Board explained that its denial of the variance also was based upon its statutory duty to be consistent and to consider the rights of all those who might be affected by the granting of a variance.

Appellant then appealed to the Circuit Court for Baltimore County, contending that the Board's decision denying the variance was arbitrary and capricious and in error because appellant produced substantial evidence to prove practical

difficulty while the protestants offered no evidence that would render the question fairly debatable.

The court affirmed the Board of Appeals' decision, holding that sufficient facts had been presented to the Board to make its decision fairly debatable and therefore should be affirmed.

Appellant contends on appeal that:

1. The court erred in affirming the Board of Appeals' decision where the Board is alleged to have erroneously applied the legal standards for a variance request as to sign regulations.
2. The court erred in finding that the issue before the Board of Appeals was fairly debatable.

Standard of Review

The standard of judicial review as applied to decisions of administrative agencies in general, and to those of zoning boards in particular, has been stated and restated in many decisions of this Court and the Court of Appeals. Once a decision has been rendered by the zoning authority, it must be affirmed by the reviewing court if it is, in the language of the cases, "fairly debatable." Montgomery v. Board of County Commissioners for Prince George's County, 256 Md. 597, 602 (1970); Pattay v. Board of County Commissioners for Worcester County, 271 Md. 352, 360 (1974). In Eger v. Stone, 253 Md. 533, 542 (1969), the Court of Appeals defined the term "fairly debatable":

We have made it quite clear that if the issue before the administrative body is "fairly debatable," that is, that its determination involved testimony from which a reasonable man could come to different conclusions, the

courts will not substitute their judgment for that of the administrative body, in the absence of an unconstitutional taking of private property for public use without the payment of just compensation....

See also Art Wood Enters v. Wiseburg Community Ass'n, 88 Md. App. 723, 727, cert. denied, 325 Md. 397 (1992); Mayor & City Council of Baltimore v. Bruce, 46 Md. App. 704, 715 (1980).

In reviewing the zoning authority's decision, the court must consider all of the evidence in the administrative record. Sadney v. Lloyd, 44 Md. App. 633, 637 (1980); see also Mayor of Annapolis v. Annapolis Waterfront Co., 284 Md. 383, 394-98 (1979). The reviewing court's role, however, is confined to determining the legality of the procedure employed and whether the decision was fairly debatable in light of the evidence adduced before the zoning authority. Jabine v. Priola, 45 Md. App. 218, 234, n. 17 (1980); Entsian v. Prince George's County, 32 Md. App. 256, 257-58 (1976).

The role of this Court "is essentially to repeat the task of the circuit court; that is, to be certain the circuit court did not err in its review." Art Wood v. Wiseburg, 88 Md. App. at 728, quoting Mortimer v. Howard Research, 83 Md. App. 432, 442, cert. denied, 321 Md. 164 (1990).

Discussion of Law

1. Legal Standards for a Variance Request

A request for a variance from sign regulations may be granted by the Baltimore County Board of Appeals "where special circumstances or conditions exist that are peculiar to the land ... and where strict compliance with the zoning regulations for

Baltimore County would result in practical difficulty or unreasonable hardship." B.C.Z.R. § 307.1 (1992). Courts have interpreted the "practical difficulty or unreasonable hardship" standard to be disjunctive, meaning that either of the conditions must be satisfied to warrant a variance. Lovola Loan Ass'n v. Buschman, 227 Md. 243, 250-51 (1961). Because a variance from sign regulations is deemed to be an "area" variance, the impact of which is viewed as being much less drastic than that of a "use" variance, a party need only show "practical difficulty," the lesser standard of proof, to be entitled to relief. McLean v. Soley, 270 Md. 208, 213-14 (1973); Anderson v. Board of Appeals, 22 Md. App. 28, 39 (1974).

The criteria for determining "practical difficulty" was set forth by the Court of Appeals in Anderson v. Board of Appeals, supra, as follows:

1) Whether compliance with the strict letter of the restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

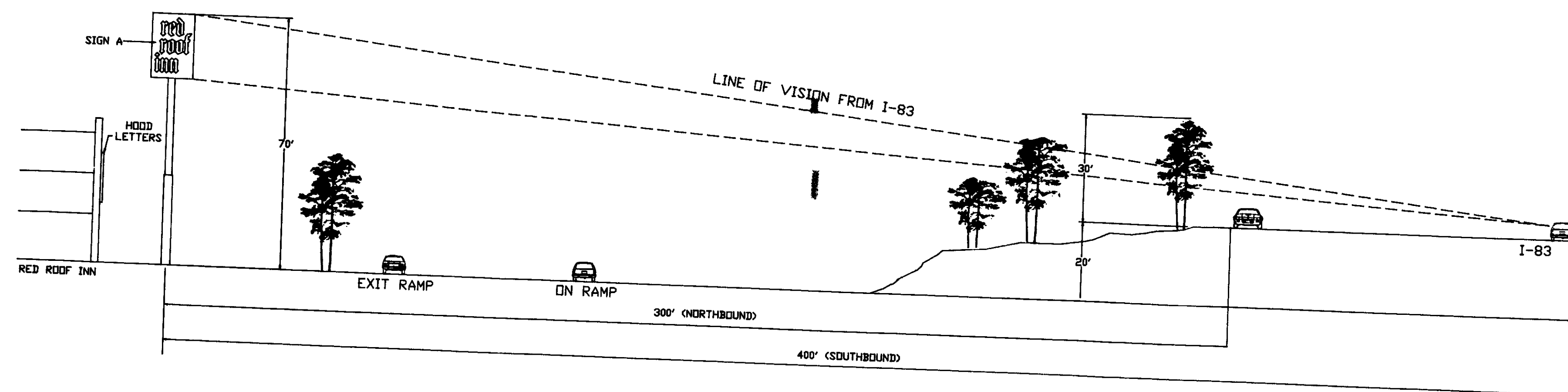
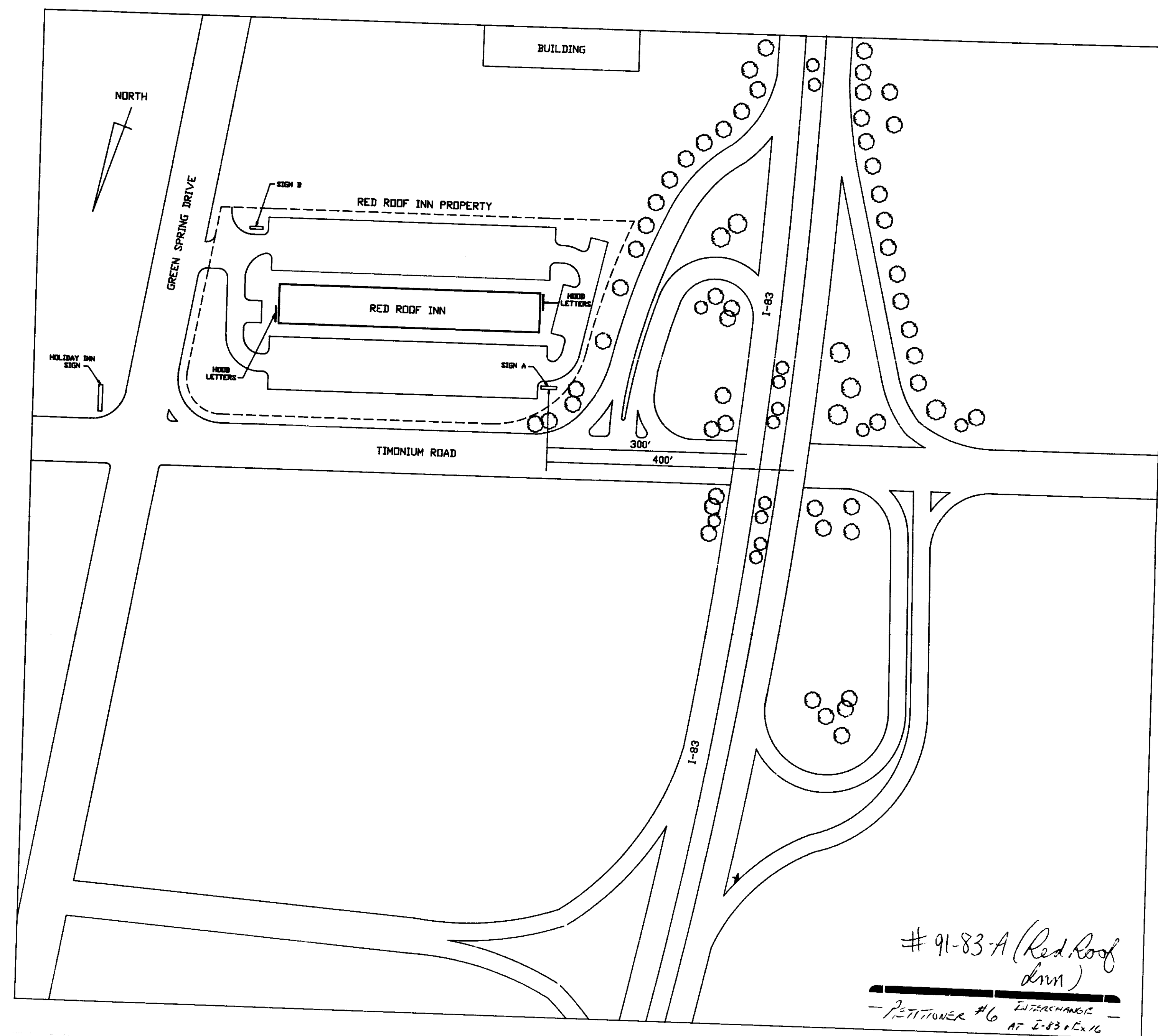
2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and the public safety and welfare secured.

270 Md. 208, 214-215.

Appellant asseverates that the Board's delineation of "practical difficulty" was unduly restrictive and that as a result its final decision in denying the variance request was tainted and not in accordance with law. In addition, appellant contends that the Board failed to delineate which standard - practical difficulty or undue hardship - it applied and therefore may have erroneously imposed the more stringent burden of unreasonable hardship, making its decision arbitrary, capricious and illegal.

We disagree. The Board of Appeals' written Opinion concludes that "[p]etitioner will not suffer any practical difficulty or undue hardship." This clearly demonstrates that the Board considered both standards of review when it denied the variance. Additionally, it can be discerned from the Board's Opinion that it considered the appropriate standard, that of practical difficulty, and the three criterion that must be met under that standard. Specifically, the Board's Opinion stated that "the height and size of the sign being requested is more for the convenience of the Petitioner than necessity" (criterion 1) and alluded to testimony by witnesses from the community that led to the conclusion that "the sign would seriously impact the residential community" (criterion 2). The Opinion also stated that granting the variance request "would clearly be contrary to the spirit of the Baltimore County Zoning Regulations concerning signs" (criterion 3). The Board's Opinion, therefore, adequately evidences a recognition of the three criterion that must be met to show practical difficulty and makes clear that



the appropriate legal standard of practical difficulty was applied.

2. Fairly Debatable

Appellant presented ample evidence to support its contention that practical difficulty warranting a variance exists. It alleged that the low elevation of the site and the screening of the site by trees are natural conditions that result in a site with unique topography, so that strict application of the existing zoning ordinance would constitute a practical difficulty for appellant. Appellant further pointed out that because of the "commercial" nature of the area in which the site is located, it is precluded from participating in the Maryland State Highway Logo Program, which allows eligible businesses to place their logos on signs along certain designated highways. Finally, appellant asseverated that neighboring competitors enjoy significantly higher and larger rooftop signs than the one proposed by appellant. The operation of a motel without adequate signage for recognition by potential customers, places appellant, in its opinion, at an extreme disadvantage with motels in the same commercial zone which enjoy large, visible, illuminated signs. Finally, appellant based its allegation that this was an arbitrary, capricious decision on the Zoning Commissioner's determinations in two unrelated petitions for variances by other lodging establishments located approximately fifteen miles from the subject property.

Appellee, in turn, presented extensive evidence in an attempt to discredit appellant's claim of practical difficulty.

It demonstrated that the proposed sign would have an adverse effect on the residents of the community and contended that if allowed as requested, it would be 70 feet tall and 216 square feet in size, thereby greatly exceeding the maximum allowed height of six feet and the maximum allowed sign face of 25 square feet. Appellee also pointed out that several sign variances were already granted for appellant that provide additional and over-sized signage, thereby weakening any claim of practical difficulty in terms of being seen by passing motorists. Appellee also referred to the Director of Planning's memorandum that stated that appellant's motel is visible from the Interstate, "thereby making the need for excessive, additional signage questionable." Appellee suggested that the retention of a shrub clipping service would alleviate the alleged practical difficulty concerning any screening effect resulting from the growth of trees planted on the site. Regarding the competitors large, illuminated rooftop signs, evidence was produced showing that those competitors may not have obtained zoning approval for their signs, thus rendering them arguably illegal.

The County Board of Appeals was, therefore, presented with adequate evidence for its findings and conclusion regarding appellant incurring practical difficulty to be "fairly debatable." The matter thus was one for the Board's decision, and should not be second-guessed by an appellate court, Board of County Comm'rs v. Holbrook, 314 Md. 210, 218 (1988), as long as the decision was supported by more than a scintilla of evidence. Anne Arundel County v. A-Pac Ltd., 67 Md. App. 422, cert.

denied, 321 Md. 164 (1990). The petitions of the two other lodging establishments are irrelevant to the sign request made by appellant. Zoning matters, including sign variance requests, depend upon the unique facts and circumstances of a particular location and must be analyzed individually. Substantial evidence was introduced in the case sub judice to render the issue "fairly debatable" and to support the Board's ruling, and in the absence of a more specific pattern showing authorization of similar signs in similar situations, the circuit court's affirmance was not arbitrary, capricious or illegal.

JUDGMENT AFFIRMED;
COSTS TO BE PAID BY APPELLANT.

IN THE MATTER OF THE	*	IN THE
APPLICATION OF	*	CIRCUIT COURT
RED ROOF INNS, INC.	*	FOR
FOR A VARIANCE ON PROPERTY	*	BALTIMORE COUNTY
LOCATED ON THE SOUTHWEST	*	CASE NO. 91-CV-6923
CORNER WEST TIMONIUM ROAD AND	*	
GREENSPRING DRIVE	*	
(111 WEST TIMONIUM ROAD	*	
8TH ELECTION DISTRICT	*	
4TH COUNCILMANIC DISTRICT	*	

MEMORANDUM OPINION AND ORDER

In connection with the construction of its motel at the intersection of Timonium Road and Greenspring Drive, Red Roof Inns, Inc. (Red Roof) asked the Zoning Commissioner (the Commissioner) to grant it variances from the Baltimore County Zoning Regulations relating to the size and number of signs which it could place on its property. (The Petition also sought permission to erect two satellite receiving dishes but the decision on that variance has nothing to do with this administrative appeal.) Specifically, Red Roof requested the Commissioner: "to permit one stationary free-standing sign with a face of 216 square feet at a height of 70 feet from grade level in lieu of the required 25 square feet per face at a height of 6 feet; one additional stationary free-standing entrance sign with surface faces of 24 square feet at a height of 12 feet above grade in lieu of the required 6 feet above grade; [and] two wall-mounted sign(s) with a total area of 150 square feet in lieu of the required 90 square feet." (Findings of Fact, p. 1.)

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Neighboring homeowners and the Hunt Ridge Community Association participated in the hearing as protestants and, presumably, People's Counsel presented their views.

The Commissioner granted the zoning variance needed to place larger signs on two of the outer walls of the main building. He also granted a variance for an "additional" freestanding entrance sign on the motel's only access road, but not with the dimensions sought in Red Roof's Petition. Instead, he reduced its size from the requested 24 square feet per face at a height of 12 feet above grade to 15 square feet and 10 feet. (Section 413.6(b) of the B.C.Z.R. provides that "one stationary freestanding business sign is permitted for each street to which a lot has direct vehicular access," but the sign's surface area may not exceed 25 square feet per face and no part of it may be more than 6 feet above the grade level of the access street or lot.)

The Commissioner's final sign ruling, with which the County's Board of Appeals (the Board) agreed, is the subject matter of this appeal. He denied Red Roof's request to substantially increase the size (25 to 216 square feet) and height (6 to 70 feet) of what Red Roof then was calling the "one stationary freestanding business sign" allowed under Section 413.6(b).

On December 7, 1990 Red Roof filed a non-specific notice of appeal to the Board. At the start of the de novo hearing on August 31, 1991, the Board Chairman asked counsel for Red Roof whether it was appealing all of the Commissioner's decisions on signage. Before

he could respond completely, People's Counsel took the position that all aspects of the Commissioner's decision were before the Board and she intended to argue that the Board should consider what sign variances were granted at least as being relevant to the issue of practical difficulty and undue hardship. She acknowledged, however, that no cross appeal had been filed because her office "would not have appealed from the signage that was granted." (Tr. p. 7) This procedural debate was resolved when the Board granted Red Roof's oral motion to dismiss all grounds for appeal other than the denial of the 70 foot sign - over the objection of People's Counsel and, presumably, the protestants. (Tr. p. 18-20)

Red Roof contends that the Board's decision denying the variance was arbitrary and capricious and in error because Red Roof produced substantial evidence to prove practical difficulty while the protestants offered no evidence which would render the question fairly debatable. Red Roof's written and oral arguments here place undue emphasis on the comparison between the quality of its evidence and that of the protestants. While both hearings obviously were adversarial, this Court knows of no burden upon the protestants to present a better case. A variance is not a matter of right; it is a matter of privilege and the one seeking it must show entitlement. Stated, another way, the petitioner's burden never shifts.

The role of this Court in reviewing the Board's decision is set forth in Md. Code Ann., Art. 25A, §5(U) (1990 Repl. Vol.) which

provides in pertinent part:

Any person aggrieved by the decision of the board... may appeal to the circuit court for the county which shall have power to affirm the decision of the board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing as justice may require.

In Mortimer v. Howard Research, 83 Md. App. 432, at 441 (1990), the Court described the standard applicable to circuit court review of a zoning decision of a Board of Appeals.

In making a determination of whether the Board of Appeals decision is arbitrary, illegal or capricious, the reviewing court must decide whether the question before the agency was fairly debatable. ... An issue is fairly debatable if reasonable persons could have reached a different conclusion on the evidence and, if so, a reviewing court may not substitute its judgment for that of the administrative agency. ... The fairly debatable test is analogous to the clearly erroneous standard under Rule 8-131(c) and a decision is fairly debatable if it is supported by substantial evidence on the record taken as a whole.

See also, Art Wood vs. Wiseburg, 88 Md. App. 723 (1991).

Section 307.1 of the B.C.Z.R. provides that the Zoning Commissioner and the County Board of Appeals are empowered to grant variances from sign regulations:

only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship ... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of ... sign regulations, and only in such a manner as to grant relief without substantial injury to public health, safety, and general welfare. [B.C.Z.R., 1955; Bill No. 107, 1963; No. 32, 1988.]

Since a variance as to signage is deemed to be an area variance as opposed to a use variance, "the standard of 'practical difficulty' applies, and the applicant is relieved of the burden of showing a taking in a constitutional sense, as is required under the 'undue hardship' standard". Anderson v. Board of Appeals, 22 Md. App. 28, 38-39 (1974). The Court of Appeals, in McLean v. Soley, 270 Md. 208, 214-215 (1973) recognized the following criteria for determining whether an applicant has established "practical difficulty":

- 1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Board, like the Commissioner, found that Red Roof failed to carry its burden of establishing practical difficulty or undue hardship. The Board's conclusion rested, in part, on the fact that the testimony clearly demonstrated that Red Roof wants the taller sign "principally for advertising purposes to attract motorists on Interstate 83 [and] to be able to compete with other motels in the area." (Opinion, p. 5-6) However, the Board then explained that its denial of the variance also was based upon its statutory duty to be

consistent and to consider the rights of all those who might be affected by the granting of a variance.

The Board has reviewed the site plan and the dimensions of the subject sign set out thereon, and finds that the subject sign is too large and obtrusive for the site. To permit a sign of this size and magnitude would clearly be contrary to the spirit of the Baltimore County Zoning Regulations concerning signs. The Board does not believe that the Petitioner would experience practical difficulty or undue hardship if the sign variance is denied. The Petitioner has already been granted variances for a free-standing entrance sign and two wall-mounted signs by the Zoning Commissioner in his Order dated November 8, 1990.

(Op. p. 6; emphasis supplied)

This Court is satisfied that the issue presented to the Board was fairly debatable. Therefore, the Board's decision should be, and it is, AFFIRMED.

DATE: July 14, 1992 Robert E. Cahill, Jr.
JUDGE
Copies sent to counsel.

IN THE MATTER OF THE APPLICATION OF RED ROOF INNS, INC. FOR A VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST CORNER WEST TIMONIUM ROAD AND GREENSPRING DRIVE (111 WEST TIMONIUM ROAD) 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT
RED ROOF INNS, INC., PLAINTIFF
ZONING CASE NO. 91-83-A

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
* CV Doc. No. 8
* Folio No. 355
* File No. 91-CV-6923

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Michael B. Sauer, Harry E. Buchheister, Jr., and Judson H. Lipowitz, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 90-160-A

August 14, 1990 Petition for Variances filed by Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc. for sign and satellite dish variances.
September 25 Certificate of Posting of property.
September 27 Publication in newspapers.
October 12 Comments of Baltimore County Zoning Plans Advisory Committee.
October 19 Hearing held on Petition by the Zoning Commissioner.

Case No. 91-83-A Red Roof Inns, Inc. 2
November 8, 1991 Order of the Zoning Commissioner GRANTING Petition for Variances in part; DENYING in part.
December 7 Notice of Appeal received from Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc., Petitioner/Appellant.
December 12 Order of the Zoning Commissioner DISMISSING Motion for Reconsideration.
August 30 Hearing before the Board of Appeals.
November 1 Opinion and Order of the Board DENYING requested variance.
November 27 Order for Appeal filed in the Circuit Court for Baltimore County by Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc.
November 29 Petition to accompany appeal filed in the Circuit Court for Baltimore County by Mr. Duvall.
December 27 Certificate of Notice sent to interested parties.
December 27 Transcript of testimony filed.

Petitioner's Exhibit No. 1-Site Plan
2-Signage plan/Diagram
3-Aerial Map
4-Auxiliary Design Elements Chart
5-Diagram of Sign Cross Section - Building to I-83
6-Diagram of Interchange at Exit 16
7-Small photo of vehicle at site
8B-F-Photos from Z.C. file showing elevation
9-Photos of Holiday Inn sign
10-Photos of Days Inn sign
11-Petition for Variance filed by Colonial Co.
12-Entry of People's Counsel in Colonial Co.
13-Photo of Knight's Inn at beltway
14-Petition for Variance for sign Quality Inn with Entry of Baltimore County
15-Photos of Quality Inn

(IN BOARD'S CLOSET)
(IN BOARD'S CLOSET)

Case No. 91-83-A Red Roof Inns, Inc. 3
Petitioner's Exhibit No. 16-1988 Comp. Zoning Map showing location of Red Roof Inn & Holiday Inn
17-State Highway Admin. letter to Mr. Hough
18-Video Tape of traffic & location
Protestant's Exhibit No. 1-Affidavit of Huntridge Comm. Assoc.
2-A-B-Photos
3-A-B-Photos of sign located in Penn. for Red Roof Inns
4-Photo Red Roof Inn in York, PA.
5-Photo of Route 30, York, PA.
6-A-B-Photos of Red Roof Inn from Lieberman
7-A-B-Photos of Holiday Inn sign from Lieberman
People's Counsel's Exhibit No. 1-Zoning Map
2-Zoning Enforcement letter
3-Letter from Senator Janice Piccinini
4-Federal Highway Admin. - Aid Program Manual
5-Letter from Z.C. Haines to Pat Keller
6-Letter from Ruxton-Ridderwood Light Rail Committee
7-(6) Photos of Huntridge homes.
8-(6) Photos of signs on I-83 & Red Roof Inn

(IN BOARD'S CLOSET)
(IN BOARD'S CLOSET)

December 27, 1991 Record of Proceedings filed in the Circuit Court for Baltimore County.
Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Case No. 91-83-A Red Roof Inns, Inc. 4
Respectfully submitted,
LindaLee M. Kuszmaul
LindaLee M. Kuszmaul, Legal Secretary
County Board of Appeals, Room 315,
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 (301) 887-3180
cc: Gary C. Duvall, Esquire
James J. Schmidt, Vice President
Red Roof Inns, Inc.
Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County

IN THE MATTER OF THE APPLICATION OF RED ROOF INNS, INC. FOR A VARIANCE ON PROPERTY LOCATED ON THE SOUTHWEST CORNER WEST TIMONIUM ROAD AND GREENSPRING DRIVE (111 WEST TIMONIUM ROAD) 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT
RED ROOF INNS, INC., PLAINTIFF
ZONING CASE NO. 91-83-A

* IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
* CV Doc. No. 8
* Folio No. 355
* File No. 91-CV-6923

* * * * *
CERTIFICATE OF NOTICE
Madam Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Michael B. Sauer, Harry E. Buchheister, Jr. and Judson H. Lipowitz, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Gary C. Duvall, Esquire, Miles & Stockbridge, 600 Washington Avenue, Suite 300, Towson, Maryland 21204, Counsel for Plaintiff; James J. Schmidt, Vice President, Red Roof Inns, Inc., 4355 Davidson Road, Hilliard, Ohio 43026-9699, Plaintiff; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Building, Towson, Maryland 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Case No. 91-83-A Red Roof Inns, Inc. 2
I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Gary C. Duvall, Esquire, Miles & Stockbridge, 600 Washington Avenue, Suite 300, Towson, Maryland 21204, Counsel for Plaintiff; James J. Schmidt, Vice President, Red Roof Inns, Inc., 4355 Davidson Road, Hilliard, Ohio 43026-9699, Plaintiff; Phyllis C. Friedman, Esquire, People's Counsel for Baltimore County, Room 304, County Office Building, Towson, Maryland 21204; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on this 29th day of November, 1991.

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul, Legal Secretary
County Board of Appeals, Room 315,
County Office Building, 111 W. Chesapeake Ave., Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

November 29, 1991

Phyllis C. Friedman
People's Counsel for Baltimore County
Room 304, County Office Building
Towson, Maryland 21204

Re: Case No. 91-83-A (Red Roof Inns, Inc.)

Dear Mrs. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Walter Merkel
Mr. Ian Lieberman
Mr. James Earl Kraft
P. David Fields
Patrick Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

November 29, 1991

Gary C. Duvall, Esquire
MILES & STOCKBRIDGE
600 Washington Avenue
Suite 300
Towson, Maryland 21204

Re: Case No. 91-83-A (Red Roof Inns, Inc.)

Dear Mr. Duvall:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul
Legal Secretary

Enclosure

cc: James J. Schmidt, Vice President
Red Roof Inns, Inc.

IN THE MATTER OF THE APPLICATION OF
RED ROOF INNS, INC.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST
CORNER WEST TIMONIUM ROAD AND
GREENSPRING DRIVE
(111 WEST TIMONIUM ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

MR. CLERK:

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Red Roof Inns, Inc., Petitioner, from the Order of the County Board of Appeals of Baltimore County dated November 1, 1991 in the above-captioned matter.

Attached to this Order for Appeal is a Certificate of Compliance with Maryland Rule B-2.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
600 Washington Avenue
Suite 300
Towson, MD 21204
(301) 823-8155
Attorneys for Petitioner

80-14-113 12 NOV 16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 27, 1991 a copy of the foregoing ORDER FOR APPEAL was hand-delivered and mailed first class, postage prepaid to:

County Board of Appeals
County Office Building
Room 315, 111 W. Chesapeake Avenue
Towson, MD 21204

Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Phyllis Cole Friedman, Esquire
People's Counsel
Room 304, County Office Building
111 West Chesapeake Avenue
Towson, Md 21204

Gary C. Duvall
Gary C. Duvall

A:GCDRE01.000/LD
November 27, 1991

-2-

IN THE MATTER OF THE APPLICATION OF
RED ROOF INNS, INC.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST
CORNER WEST TIMONIUM ROAD AND
GREENSPRING DRIVE
(111 WEST TIMONIUM ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on November 27, 1991 a copy of the ORDER FOR APPEAL was served by hand-delivery on the County Board of Appeals for Baltimore County.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
600 Washington Avenue
Suite 300
Towson, MD 21204
(301) 823-8155
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 27, 1991 a copy of the foregoing CERTIFICATE OF COMPLIANCE was hand-delivered and mailed first class, postage prepaid to:

Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Phyllis Cole Friedman, Esquire
People's Counsel
Room 304, County Office Building
111 West Chesapeake Avenue
Towson, Md 21204

Gary C. Duvall
Gary C. Duvall

A:GCDRE01.000/LD
November 27, 1991

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/C West Timonium Rd and * ZONING COMMISSIONER
Greenspring Drive *
111 West Timonium Road * OF BALTIMORE COUNTY
8th Election District *
4th Councilmanic District *
Red Roof Inns, Inc. * Case No. 91-83-A
Petitioner *

ORDER OF DISMISSAL

The Petitioner herein filed a Motion for Reconsideration of the Zoning Commissioner's Order of November 8, 1990.

WHEREAS, a hearing was scheduled for Tuesday, December 4, 1990 at 8:30 A.M. upon the Motion for Reconsideration; and,

WHEREAS, a letter dated November 30, 1990 by the Petitioner's attorney (copy attached) was received requesting cancellation of the Motion for Reconsideration.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 12th day of December, 1990 that the Motion for Reconsideration, in the above captioned matter, be and the same is hereby DISMISSED without prejudice.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date *12/7/90*
By *[Signature]*

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/C West Timonium Rd and * ZONING COMMISSIONER
Greenspring Drive *
111 West Timonium Road * OF BALTIMORE COUNTY
8th Election District *
4th Councilmanic District *
Red Roof Inns, Inc. * Case No. 91-83-A
Petitioner *

NOTICE OF APPEAL

MR. COMMISSIONER:

Please note an appeal from your Order dated November 8, 1990 to the Baltimore County Board of Appeals.

Gary C. Duvall
Gary C. Duvall
MILES & STOCKBRIDGE
600 Washington Avenue
Suite 300
Towson, MD 21204
(301) 823-8155
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 7, 1990 a copy of the foregoing NOTICE OF APPEAL was mailed to Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Md 21204, attorney for Baltimore County, Maryland; to Mr. Walter Markle, 4 Silver Stirrup Court, Timonium, MD 21093, and Mr. Ian Leberman, 224 Hunters Ridge Road, Timonium, MD 21093.

Gary C. Duvall
Gary C. Duvall

MICROFILMED

LAW OFFICES

10 LIGHT STREET
BALTIMORE, MARYLAND 21202
101 BAY STREET
EASTON, MARYLAND 21601
11800 RANDOM HILLS ROAD
FAIRFAX, VIRGINIA 22030

MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-821-8585
FAX 301-823-8123

90 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
80 WEST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

GARY C. DUVAL
301-823-8155

December 6, 1990

HAND DELIVERY

Mr. J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inn, Inc.
Case No. 91-83-A
Location: SW/C W. Timonium Rd.
& Greenspring Drive
111 West Timonium Road

Dear Mr. Haines:

Enclosed please find a Notice of Appeal to be filed in the above-referenced case.

Thank you for your courtesy and cooperation in handling this matter.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld
Encl.
cc: Mr. Walter Markle
Mr. Ian Leberman

RECEIVED
DEC 7 1990
ZONING OFFICE

-2-

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/C West Timonium Rd and * ZONING COMMISSIONER
Greenspring Drive * OF BALTIMORE COUNTY
111 West Timonium Road *
8th Election District * Case No. 91-83-A
4th Councilmanic District *
Red Roof Inns, Inc. *
Petitioner *

MOTION OF RED ROOF INNS, INC.
FOR RECONSIDERATION OF NOVEMBER 8, 1990 ORDER

Red Roof Inns, Inc., Petitioner, by its undersigned counsel, hereby moves the Zoning Commissioner of Baltimore County to reconsider his Findings of Fact, Conclusions of Law and Order issued in the above-captioned matter on November 8, 1990 and for reasons in support thereof, says as follows:

1. The Petitioner requested zoning variances which included variances from Sections 255.2 and 243.1 of the Baltimore County Zoning Regulations to permit two (2) satellite receiving dishes not to exceed 10 feet in diameter, 5 feet from the front property line in lieu of the required front yard setback of 75 feet.
2. That although the Petitioner presented correspondence from the two satellite vendors, i.e. World Cinema, Inc. and Scientific Atlanta regarding the practical difficulty and hardship in meeting the setback requirements of the ML zone in which the subject property is situated, the Commissioner denied the requested zoning variance.
3. The Petitioner is unable to locate any other location within the site which will conform with the Baltimore County Zoning Regulation requirements and permit functional operation of the two proposed satellite dishes. The Petitioner requests reconsideration

of the Petition for Variance only as to the two (2) satellite dishes with the opportunity to present further evidence from Scientific Atlanta and World Cinema, Inc., as well as from the Petitioner's engineer, to demonstrate that the proposed location is the only available location on the site for non-roof-mounted satellite dishes. The Petitioner will also present testimony as to why the proposed dishes cannot be located on the structure of the now-built motel.

4. Further, the Petitioner desires permission to present additional evidence as to the landscaping and screening which it will utilize with respect to the proposed location for the two (2) proposed satellite dishes to ameliorate any aesthetic considerations which the Commissioner or any of the Protestants raised at the hearing held on October 23, 1990.

5. Given the hardship nature of the Petition as originally filed, the Petitioner would respectfully request that the Zoning Commissioner of Baltimore County to schedule the earliest possible hearing date for any reconsideration which he might grant with respect to the Petitioner's Motion.

WHEREFORE, for the foregoing reasons, the Petitioner, Red Roof Inns, Inc., respectfully requests the Zoning Commissioner of Baltimore County to reconsider his Findings, Conclusions of Law and Order of November 8, 1990 only with respect to the denial of the variances for the two (2) proposed satellite dishes.

therefore, the Protestants had no opportunity to question him regarding the substance of his October 18, 1990 correspondence.

The subject satellite dishes are located at the junction of the I-83 exit ramp and Timonium Road. It is unclear why an interior location, particularly the parking lot area, would not adequately serve as a satellite dish location.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variances were denied in part. The testimony presented by the Petitioner is in support of a matter of a preference rather than of the necessity for the variances. The Petitioner has failed to show that compliance would unreasonably prevent the use of the

Gary C. Duwall
MILES & STOCKBRIDGE
600 Washington Avenue
Suite 300
Towson, MD 21204
(301) 823-8155
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 16, 1990 a copy of the foregoing MOTION FOR RECONSIDERATION was mailed to Peter Max Zimmerman, Esquire, Deputy People's Counsel, Room 304, County Office Building, 111 West Chesapeake Avenue, Towson, Md 21204, attorney for Baltimore County, Maryland; to Mr. Walter Markle, 4 Silver Stirrup Court, Timonium, MD 21093, and Mr. Ian Lieberman, 224 Hunters Ridge Road, Timonium, MD 21093.

Gary C. Duwall

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/C West Timonium Rd and * ZONING COMMISSIONER
Greenspring Drive * OF BALTIMORE COUNTY
111 West Timonium Road *
8th Election District * Case No. 91-83-A
4th Councilmanic District *
Red Roof Inns, Inc. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests zoning variances from Sections 413.6, 413.6(a)(3), 413.6(b)(1) and 413.6(b)(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one stationary free standing sign with a face of 216 square feet at a height of 70 feet from grade level in lieu of the required 25 square feet per face at a height of 6 feet; one additional stationary free-standing entrance sign with surface faces of 24 square feet at a height of 12 feet above grade in lieu of the required 6 feet above grade; two wall-mounted sign with a total area of 150 square feet in lieu of the required 90 square feet; and a zoning variance from Sections 255.2 and 243.1 to permit two satellite receiving dishes not to exceed 10 feet in diameter at 5 feet from the front property line in lieu of the required front yard setback of 75 feet, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Red Roof Inns, Inc., was represented by Gary Duwall, Esquire. Also appearing on behalf of the Petition was Gary Hough, Rich Sander and Timothy Wolfe. Appearing as Protestants were Walter Merkel on behalf of the Hunt Ridge Community Association and Ian Lieberman.

Testimony indicated that the subject property, known as 111 West Timonium Road, consists of 2.67 acres +/-, zoned ML-1M and is currently improved with the subject Red Roof Inn.

ORDER RECEIVED FOR FILING
Date 11/18/90
By M. Hark

W. C. H. H. H. H.

square feet is hereby GRANTED, subject to the following restriction which are conditions precedent to the relief granted:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 11/18/90
By M. Hark

W. C. H. H. H. H.

ORDER RECEIVED FOR FILING
Date 11/18/90
By M. Hark

W. C. H. H. H. H.

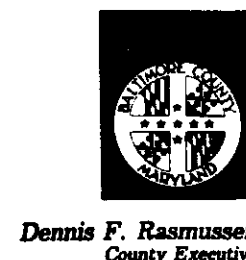
MICROFILMED

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 2, 1990



Dennis F. Rasmussen
County Executive

Gary C. Duvall, Esquire
Miles and Stockbridge
600 Washington Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 91-83-A
Red Roof Inns, Inc.

Dear Mr. Duvall:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Petitioners
cc: Protestants

BEGINNING at a point on the southwest side of Green Spring Drive, 60 feet wide, 30.00 feet right of centerline station P.C. 80+61.76 as shown on Baltimore County Right-of-Way Drawing No. 65-132-10, revised August 28, 1966 and recorded among the Land Records of Baltimore County in Deed Liber 4991, folio 245 etc.; thence running with and binding on the southwest side of said Green Spring Drive by a curve to the right

1. 154.23 feet with a radius of 760.40 feet and being subtended by a chord bearing of South 24 deg. 35 min. 15 sec. East a distance of 153.97 feet; thence
2. South 18 deg. 46 min. 44 sec. East a distance of 57.50 feet to a point, said point being South 04 deg. 23 min. 51 sec. West 0.21 feet from an iron pin found; thence leaving the southwest side of Green Spring Drive and running with and binding on the northwesterly boundary of the lands now or formerly of the Baltimore Gas and Electric Company as recorded among the Land Records of Baltimore County in Deed Liber 7370, folio 121
3. South 60 deg. 02 min. 14 sec. West a distance of 484.23 feet to an iron pin found on the easterly side of the off ramp from I-83 to West Timonium Road as shown on State Roads Commission of Maryland Plat No. 11018; thence running with and binding on the easterly side of said off ramp by a curve to the left
4. 157.30 feet with a radius of 461.00 feet and being subtended by a chord bearing of North 09 deg. 43 min. 05 sec. West a distance of 156.54 feet to an iron pipe found; thence by a curve to the right
5. 175.23 feet with a radius of 117.46 feet and being subtended by a chord bearing of North 23 deg. 39 min. 20 sec. East a distance of 159.43 feet to a point said point also being on the southerly side of West Timonium Road; thence running with and binding on the southerly side of West Timonium Road
6. North 59 deg. 40 min. 55 sec. East a distance of 103.35 feet to a point being South 35 deg. 47 min. 30 sec. West 0.61 feet from an iron pipe found; thence by a curve to the left

91-83-A



10/14/90

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/Corner Timonium Rd. and :
Greenspring Drive : OF BALTIMORE COUNTY
111 West Timonium Road :
8th Election District :
4th Councilmanic District :
RED ROOF INNS, INC., Petitioner : Case No. 91-83-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

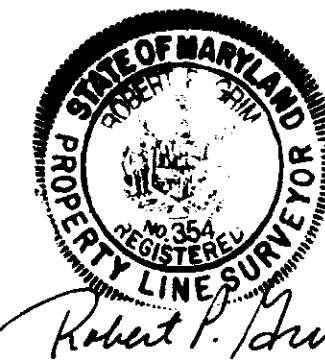
I HEREBY CERTIFY that on this 4th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to Gary C. Duvall, Esquire, 600 Washington Avenue, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

7. 110.17 feet with a radius of 1,949.86 feet and being subtended by a chord bearing of North 61 deg. 33 min. 08 sec. East a distance of 110.15 feet; thence by a curve to the left
8. 81.38 feet with a radius of 2,899.79 feet and being subtended by a chord bearing of North 61 deg. 38 min. 23 sec. East a distance of 81.37 feet; thence
9. South 80 deg. 02 min. 07 sec. East a distance of 42.36 feet to the place of beginning

Containing 2.475 acres of land, more or less.

SUBJECT TO the revertible easements for supporting slopes as set forth in a deed dated May 2, 1969 between Ruxton Realty Company, Inc. and Baltimore County, Maryland recorded among the Land Records of Baltimore County in Liber 4991, folio 245 etc. and as shown on Right-of-Way Drawing No. 65-132-10.



NOV 06 1990

91-83-A



10/14/90

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-83-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section SEE ATTACHED SHEET

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Site location and grade create a hardship and practical difficulty in complying with BC2R.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

GARY C. DUVALL

(Type or Print Name)

Signature

600 Washington Avenue

Towson, MD 21204

City and State

Attorney's Telephone No.:

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this

day

of

19

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the

day of

19

at

o'clock

M. FILED 8/14/90 BY JLL

1 HOUR HEARING TIME

ANY TIME OF DAY

Date

By

J. Robert Haines

Zoning Commissioner of Baltimore County.

(over)

MICROFILMED

§§413.6, 413.6(a)(3), 413.6(b)(1), and 413.6(b)(2) to permit one stationary free-standing sign with a face of 216 square feet at a height of 70 feet from grade level in lieu of the required 25 square feet per face at a height of 6 feet; one additional stationary free-standing entrance sign with surface faces of 24 square feet at a height of 12 feet above grade in lieu of the required 6 feet above grade; two wall-mounted sign with a total area of 150 square feet in lieu of the required 90 square feet.

And from §§ 1-57.2 and 243.1 to permit two satellite receiving dishes not to exceed 10 feet in diameter at 5 feet from the front property line in lieu of the required front yard setback of 75 feet.

91-83-A

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-83-A

District: 8th
Posted for: Variance
Petitioner: Red Roof Inns, Inc.
Location of property: SW/Corner of Timonium Road and Greenspring Drive
Location of Sign: SW/Corner of Timonium Road and Greenspring Drive
Remarks:
Posted by: J. J. Anata
Date of return: September 28, 1990

Number of Signs: 1
CASE POSTPONED--STICKER WITH NEW DATE PLACED ON SIGN ON 10/15/90.

MICROFILMED

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the petition of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case number: 91-83-A
800 West Timonium Road and Greenspring Drive
111 West Timonium Road
8th Election District
4th Councilmanic
Petitioner(s):
Red Roof Inns, Inc.
Hearing Date: Friday,
Oct. 18, 1990 at 2:00 p.m.

Variance: to permit one stationary free-standing sign with a face of 216 sq. ft. at a height of 70 ft. from grade level in lieu of the required 25 square feet per face at a height of 8 ft. one additional stationary free-standing entrance sign with surface faces of 24 sq. ft. at a height of 12 ft. above grade in lieu of the required 8 ft. above grade; two well-mounted signs with a total area of 150 sq. ft. in lieu of the required 90 sq. ft. and to permit two satellite receiving dishes not to exceed 10 ft. in diameter at 5 ft. from the front property line in lieu of the required front yard setback of 75 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TOWSON Sept. 27, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-3, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990.

TOWSON TIMES,
S. Zeke Orman
Publisher
\$ 133.13
+158.13
MICROFILMED

The Zoning Commission of Baltimore County will hold a public hearing on the petition of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
Case number: 91-83-A
800 West Timonium Road and Greenspring Drive
111 West Timonium Road
8th Election District
4th Councilmanic
Petitioner(s):
Red Roof Inns, Inc.
Hearing Date: Friday,
Oct. 18, 1990 at 2:00 p.m.

Variance: to permit one stationary free-standing sign with a face of 216 sq. ft. at a height of 70 ft. from grade level in lieu of the required 25 square feet per face at a height of 8 ft. one additional stationary free-standing entrance sign with surface faces of 24 sq. ft. at a height of 12 ft. above grade in lieu of the required 8 ft. above grade; two well-mounted signs with a total area of 150 sq. ft. in lieu of the required 90 sq. ft. and to permit two satellite receiving dishes not to exceed 10 ft. in diameter at 5 ft. from the front property line in lieu of the required front yard setback of 75 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TOWSON Sept. 27, 1990

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10-3, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-27, 1990.

THE JEFFERSONIAN,
S. Zeke Orman
Publisher
\$ 133.13
MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N2 3189

Date 8/14/90 H9100062

PUBLIC HEARING FEES	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
TOTAL:		\$175.00

LAST NAME OF OWNER: RED ROOF INNS

MICROFILMED

04A04#0024MICRHC \$175.00
BA 0003129PM08-14-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
91-83-A

Date

MICROFILMED

Please Make Checks Payable To: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N2 3738

Date 10/23/90 H91000851

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1 X	\$183.13
TOTAL:		\$183.13

LAST NAME OF OWNER: RED ROOF INNS

04A04#0024MICRHC \$183.13
BA 0003144M11 29-90
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-17-90

Red Roof Inns, Inc.
4355 Davidson Road
Hilliard, Ohio 43026-9699

Re: Petition for Zoning Variance
CASE NUMBER: 91-83-A
SW/C West Timonium Road and Greenspring Drive
111 West Timonium Road
8th Election District - 4th Councilmanic
Petitioner(s): Red Roof Inns, Inc.
HEARING: TUESDAY, OCTOBER 23, 1990 at 8:30 a.m.

Gentlemen:

Please be advised that \$ 183.13 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Gary C. Duwall, Esq.

Dennis F. Rasmussen
County Executive

CASE 91-CV-6923

IN THE MATTER OF RED ROOF INNS, INC.

RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.

Date: DEC 30, 1991
Clerk's Office

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 31, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-83-A
SW/C West Timonium Road and Greenspring Drive
111 West Timonium Road
8th Election District - 4th Councilmanic
Petitioner(s): Red Roof Inns, Inc.
HEARING: FRIDAY, OCTOBER 18, 1990 at 2:00 p.m.

Variance to permit one stationary free-standing sign with a face of 216 sq. ft. at a height of 70 ft. from grade level in lieu of the required 25 square feet per face at a height of 8 ft.; one additional stationary free-standing entrance sign with surface faces of 24 sq. ft. at a height of 12 ft. above grade in lieu of the required 8 ft. above grade; two well-mounted signs with a total area of 150 sq. ft. in lieu of the required 90 sq. ft. and to permit two satellite receiving dishes not to exceed 10 ft. in diameter at 5 ft. from the front property line in lieu of the required front yard setback of 75 ft.

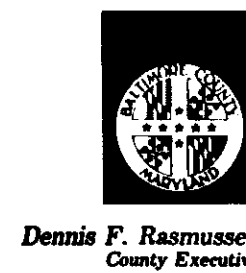
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Red Roof Inns, Inc.
Gary C. Duwall, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 17, 1990



NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-83-A
PETITIONER(S): Red Roof Inns, Inc.
LOCATION: SW/C West Timonium Road & Greenspring Drive
111 West Timonium Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, OCTOBER 23, 1990 at 8:30 a.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs
cc: Gary C. Duvall, Esq.
Red Roof Inns, Inc.

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 12, 1990



Gary C. Duvall, Esquire
600 Washington Avenue
Towson, MD 21204

RE: Item No. 62, Case No. 91-83-A
Petitioner: Red Roof Inns, Inc.
Petition for Zoning Variance

Dear Mr. Duvall:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. James J. Schmidt
Red Roof Inns, Inc.
4355 Davidson Road
Hilliard, OH 43026-9699

MICROFILMED

Form CM4

CIRCUIT COURT FOR BALTIMORE COUNTY

Irene Summers - 887-2860
Circuit Assignment Commissioner

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754
January 20, 1992

Kathy Rushton - 887-2860
Jury Assignments—Civil
General Settlement Conferences

— 887-2861
Non-Jury Assignments—Civil
Special Settlement Conferences

TO:

Gary C. Duvall, Esq.
County Board of Appeals
of Baltimore County
Office of Law
Court House-Mezzanine Fl.

RE: Now-Jury 91-GV-6923 in the Matter of Red Roof Inns, Inc.

HEARING DATE: Tuesday, March 31, 1992, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 1/2 hours

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

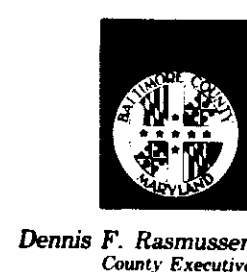
If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

20 JUN 25 11 31 AM

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
5th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
JAMES E. DYER
Chairman,
Zoning Plans Advisory Committee

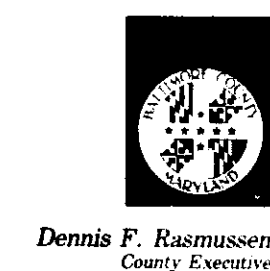
Petitioner: Red Roof Inns, Inc.

Petitioner's Attorney: Gary C. Duvall

MICROFILMED

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

SEPTEMBER 6, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RED ROOF INNS, INC.

Location: #111 WEST TIMONIUM ROAD

Item No.: 62 Zoning Agenda: SEPTEMBER 4, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Ch. J. Kelly 9-6-90* Noted and Approved: *Captain W. T. Brady 9-6-90*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

Oct. 19, 1990
91-83-A
MDTA
Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 16, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Plan Concerning SW/C of West
Timonium Rd. & Greenspring Dr.
Balto. Co. Zoning - Item #62
(111 W. Timonium Road)

Dear Mr. Haines:

Plans concerning the above subject were reviewed, and the location in question was inspected by Mr. Jessie L. Parker, the Highway Beautification Inspector for the area.

This office has no objections to the location of the signs as per plans submitted. Should you need further information, please call me at 333-1640.

Sincerely,

George T. Dawson
George T. Dawson, Chief
Highway Beautification Section

GTD:jsk
cc: Jessie Parker, Inspector
R/W District #4, Brooklandville

My telephone number is (301) _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 895-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 29, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Red Roof Inns, Inc.
Zoning meeting 9/4/90
SW/C of West Timonium Road
and Greenspring Drive
Item # 62

Dear Mr. Haines:

After reviewing the submittal for a variance to permit one stationary free-standing sign, with a face of 216 square feet at a height of 70' from grade level, in lieu of the required 25 square feet per face at a height of 6'; one additional stationary free-standing entrance sign with surface faces of 24 square feet, at a height of 12 feet above grade, in lieu of the required 6 feet above grade; two wall mounted signs with a total area of 150 square feet, in lieu of the required 90 square feet, and to permit two satellite receiving dishes not to exceed 10 feet in diameter at 5 feet from the front property line, in lieu of the required front yard setback of 75', we offer the following:

We have forwarded this plan to our Highway Beautification Section, C/O George Dawson (333-1642), for all comments relative to zoning.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Mr. George Dawson w/att.
Red Roof Inns, Inc.
Mr. J. Ogle

333-1350

My telephone number is (301)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 545-0451 D.C. Metro - 1-800-632-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 3, 1990

Gary C. Duvall, Esq. Miles & Stockbridge
600 Washington Avenue, Suite 300
Towson, Maryland 21204

RE: Case Number: 91-83-A
Petitioner: Red Roof Inns, Inc.
Location: 111 W. Timonium Road
Motion for Reconsideration

Gentlemen:

This to confirm that the Motion for Reconsideration Regarding Placement of Satellite Dishes has been withdrawn by your client. Therefore, the hearing previously scheduled for December 4, 1990 will not go forth.

Very truly yours,

W. G. Stephens
W. G. Stephens
Baltimore County Zoning Office
(301) 887-3391

cc: Timothy W. Wolfe
Ian Lieberman
Gary Duvall, Esq.
Walter Merkel

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: J. Robert Haines
Zoning Commissioner

DATE: October 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Red Roof Inns, Inc., Item No. 62

The Petitioner requests a Variance to permit one stationary free-standing sign with a face of 216 sq. ft. at a height of 70 ft.; a stationary free-standing entrance sign with surface faces of 24 sq. ft. of a height of 12 ft.; and two wall-mounted sign with a total of 150 sq. ft.

In reference to this request, staff offers the following comments:

- Staff does not oppose the two wall-mounted signs, or the 24 sq. ft. 12 ft. high sign.
- This project received CRG approval on February 17, 1989.

The unique architectural design of the inn maintains a recognized image of the hotel/motel industry, thereby making the need for excessive, additional signage questionable.

Staff has consistently opposed requests for additional signage along major road systems. In this case, it would appear that the expressed purpose of the sign is to receive attention of drivers and passengers traveling along I-83. Not only would this proposed sign contribute to the existing problem of sign congestion and clutter in the Timonium-Hunt Valley corridor, it would also, more importantly, create a potential traffic hazard. Therefore, staff recommends that the proposed sign be scaled down, both in terms of square feet and height.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM62/ZAC1

RECEIVED

MICROFILMED

10/4/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353

J. Robert Haines
Zoning Commissioner

November 20, 1990



Gary C. Duvall, Esq.
Miles & Stockbridge
600 Washington Avenue, Suite 300
Towson, Maryland 21204

Re: Case Number: 91-83-A
Petitioner: Red Roof Inns, Inc.
Location: 111 W. Timonium Road

Dear Mr. Duvall:

This office is in receipt of your client's Motion for Reconsideration as to the Zoning Commissioner's Order of November 8, 1990.

Please be advised that the case will be re-opened on the matter of location of the satellite dishes only, as follows:

TUESDAY, DECEMBER 4, 1990 at 8:30 a.m. - County Office Building, Rm. 106.

If you have any questions, do not hesitate to contact me.

Very truly yours,

W. G. Stephens
W. G. Stephens
Hearing Desk
887-3391

cc: Ian Lieberman
Timothy W. Wolfe
Rich Sander
Gary L. Hough
Hunbridge Community Association, c/o Walter E. Merket

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
September 11, 1990

RECEIVED
SEP 11 1990

ZONING OFFICE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C-2-13

SUBJECT: ZONING ITEM #: 62
PROPERTY OWNER: Red Roof Inns, Inc.

LOCATION: SW/C West Timonium Road and Greenspring Drive
(#111 West Timonium Road)
ELECTION DISTRICT: 8th
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - Comply to Article 29 of the 1987 BOCA Code and Sections 2906.1, 2906.2 as amended in Council Bill #158-88. Also use wind design loads as per Section 1112.0.
PERMITS MAY BE APPLIED FOR 8 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

SEP 11 1990

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 10, 1990

Gary C. Duvall, Esquire
Miles and Stockbridge
600 Washington Avenue, Suite 300
Towson, Maryland 21204

RE: Case No. 91-83-A
Motion for Reconsideration
Red Roof Inns, Inc., Petitioner

Dear Mr. Duvall:

Attached hereto is an Order of Dismissal regarding the above captioned matter.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
cc: Mr. Walter Markle
cc: Mr. Ian Lieberman

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Zoning Advisory Committee DATE: August 30, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 58, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required.

For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Maryland National Bank Reconstruction, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 8, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/C West Timonium Road and Greenspring Drive
(111 West Timonium Road)
8th Election District, 4th Councilmanic District
RED ROOF INNS, INC. - Petitioner
Case No. 91-83-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 7, 1990 by Gary C. Duvall, Attorney on behalf of the petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. Robert Haines
J. Robert Haines
Zoning Commissioner

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: James J. Schmidt, Vice President - Red Roof Inns, Inc.
4355 Davidson Road, Hilliard, Ohio 43026-9699

Gary C. Duvall, Esquire - Miles & Stockbridge
600 Washington Avenue, Suite 300, Towson, MD 21204

Walter Markel, 4 Silver Stirrup Court, Timonium, MD 21093

Ian Lieberman, 224 Hunters Ridge Road, Timonium, MD 21093

Peoples Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

MICROFILMED

APPEAL

Petition for Zoning Variance
SW/C West Timonium Road and Greenspring Drive
(111 West Timonium Road)
8th Election District - 4th Councilmanic District
RED ROOF INNS, Inc. - Petitioner
Case No. 91-83-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

- Petitioner's Exhibits:
1. Plan to accompany Petition
 2. Site Plan (Sign measurements)
 3. Sketch of Red Roof Inn Sign
 - 4A - 4F - Six (6) Photos (8-1/2 x 12)
 5. Photos of Timonium Plaza Signs
 6. Photos of Days Motel
 7. Copy of Petition (95-198-A)
 8. Copy of Petition (88-352-A)
 9. Photos of Knights Inn Signs
 10. Photos of Quality Inn Signs
 11. Photo of exit from Red Roof Inn
 12. Photos of Red Roof Inn
 13. Photo of Exit 16A
 14. Photos of Satellite Dishes
 15. Report of Antenna Installation Site Survey

Zoning Commissioner's Order dated November 8, 1990 (Denied in part, Granted in part)

Zoning Commissioner's Order of Dismissal dated December 12, 1990 (Dismissed Motion for Reconsideration)

Notice of Appeal received December 7, 1990 from Gary C. Duvall, Attorney on behalf of the petitioner

Appeal Checklist - Case No. 91-83-A
Red Roof Inns, Inc. - Petitioner
January 7, 1991
Page 2

cc: James J. Schmidt, Vice President - Red Roof Inns, Inc.
4355 Davidson Road, Willard, Ohio 43026-9699

Gary C. Duvall, Esquire - Miles & Stockbridge
600 Washington Avenue, Suite 300, Towson, MD 21204

Walter Merkel, 4 Silver Stirrup Court, Timonium, MD 21093

Ian Lieberman, 224 Hunters Ridge Road, Timonium, MD 21093

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney
Public Services

RED ROOF INNS, INC.

#91-83-A

SW/cor Timonium Rd. & Greenspring Dr. 8th Election District
(111 W. Timonium Rd.) 4th Councilmanic District

VAR- Sign and satellite dish variances

August 14, 1990 Petition for Variances filed by Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc. for sign and satellite dish variances.

November 8, 1991 Order of the Zoning Commissioner GRANTING petition for Variances in part; DENYING in part.

December 7 Notice of Appeal received from Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc., Petitioner/Appellant.

December 12 Order of the Zoning Commissioner DISMISSING Motion for Reconsideration.

August 30 Hearing before the Board of Appeals.

November 1 Opinion and Order of the Board DENYING requested variance.

November 27 Order for Appeal filed in the Circuit Court for Baltimore County by Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc.

November 29 Petition to accompany appeal filed in the Circuit Court for Baltimore County by Mr. Duvall.

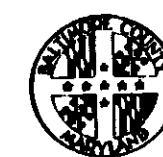
December 27 Certificate of Notice sent to interested parties.

July 24, 1992 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.

August 19 Circuit Court AFFIRMS C.B. of A. (Judge Rbt. E. Cahill, Sr.)

April 27, 1993 Order for Appeal to Court of Special Appeals filed in CCT, BCo by Gary C. Duvall, Esquire on behalf of Red Roof Inns, Inc.

April 27, 1993 Order of the Court of Special Appeals: AFFIRMED Circuit Court which affirmed CBA (variance denied).



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 24, 1993

Gary C. Duvall, Esquire
MILES & STOCKBRIDGE
600 Washington Avenue, Suite 300
Towson, MD 21204

RE: Case No. 91-83-A
RED ROOF INNS, INC. - Petitioner

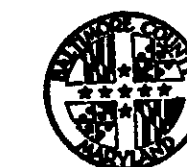
Dear Mr. Duvall:

As no further action has been taken regarding the subject matter since the April 27, 1993 decision from the Court of Special Appeals, we have returned the Board's copy of the subject zoning file to the office of Zoning Administration and Development Management.

Anyone interested in this case can contact the Zoning Office at 887-3391 upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: James J. Schmidt, Vice President
Red Roof Inns, Inc.
Walter Merkel
Ian Lieberman
People's Counsel of Baltimore County



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-3391

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 24, 1990

The Honorable
J. Robert Haines, Esquire
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: RED ROOF INNS, Petitioner
Zoning Case No. 91-83-A

Dear Commissioner Haines:

We assumed that this case was going to be heard on October 19, 1990 and had not been informed that it was to be postponed. Therefore, we did not learn of the postponement until we showed up at 2:00 p.m. on Friday and saw the sign on the door of the hearing room. (If there is some way to facilitate notice on relatively late postponements, we would appreciate it, at least as to cases in which we have formally entered our appearance.) Unfortunately, my schedule did not permit me to attend the Tuesday, October 23rd hearing.

In any event, so that there is no misunderstanding as to our position on the substance of the case, this office has consistently opposed sign petitions which function to attract the attention of motorists on major roadways, particularly interstate highways. Recent examples include the proposed Martins West and Rock Church signs on Interstate 695. There were others, generally denied.

Therefore, in the absence of any extraordinary aspect to this case, which I cannot imagine, this office would be opposed to the granting of a variance. Naturally, we have an open mind, and perhaps Gary Duvall might persuade me that this position is based on ignorance of some fundamental point.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

cc: Gary C. Duvall, Esquire

PMZ:sh

10 LIGHT STREET
BALTIMORE, MARYLAND 21201
101 BAY STREET
EASTON, MARYLAND 21828
11800 BLANCK HILLS ROAD
FAIRFAX, VIRGINIA 22030

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-881-0605
FAX 301-883-8183

80 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
80 WEST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

August 14, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Red Roof Inns, Inc./Petition for Variances
Case No. 91-83-A

Dear Commissioner Haines:

I represent Red Roof Inns, Inc. who has filed today a Petition for Zoning Variances with respect to two satellite dishes and three signs. The subject site is currently under construction and is scheduled for opening the first week of October, 1990. The subject development was approved by CRG on February 17, 1989. Apparently, for reasons unknown within my client's organization, they were unaware that variances would be required for the signage and satellite dishes until the last two weeks. Accordingly, we have met on several occasions with the Zoning Office to confirm the variance necessities and have undertaken to file the above-captioned Petitions.

Red Roof Inns is a relatively new employer in Baltimore County and this new facility in Timonium cannot possibly open without the two satellite receiving dishes and its signage in place. My client would suffer severe economic hardship should it have to wait the normal time-frame for a hearing on its Petition for Variances.

On behalf of my client, I would greatly appreciate it if you could give this Petition hardship consideration and schedule it for the earliest available hearing date after the required publication and posting.

Thank you for your consideration of this request.

Very truly yours,

Gary C. Duvall
Gary C. Duvall

GCD:ld

MICROFILMED

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-981-0505
FAX 301-983-8123

10 LIGHT STREET
BALTIMORE, MARYLAND 21201
101 BAY STREET
EASTON, MARYLAND 21820
11200 RANDOM HILLS ROAD
FAIRFAX, VIRGINIA 22030

50 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
50 WEST JEFFERSON STREET
ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

November 1, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inn, Inc.
Case No. 91-83-A
Location: SW/C W. Timonium Rd.
& Greenspring Drive
111 West Timonium Road

Dear Commissioner Haines:

In compliance with your request at the hearing on October 23, 1990, Red Roof Inn, Inc. is making the enclosed final submissions with respect to the above-captioned petitions.

As you know, one of the requests that we have made is for two satellite dishes to be located on the subject site. One satellite is used for communications with the Red Roof Inn's headquarters in Hilliard, Ohio; the other is used for the provision of satellite television reception in the motel guest rooms. Enclosed herein are the reports of both satellite companies (who have been retained to provide the subject satellites) regarding the necessity for the requested variances.

As you can see from the report of Scientific Atlanta, Inc., the communications satellite could be placed on other locations, but not without creating substantial safety problems when the satellite is fenced as required by Baltimore County Zoning Regulations. Accordingly, the only site which permits a clear look angle and permits safe fencing and screening of the satellites is that shown on the plat which accompanies the Petition for Variances. The television satellite provided by World Cinema, Inc. operates off of a different satellite and the look angle necessitates that site shown on the variance plat.

We have enclosed for your review a landscaping plan which combines fencing and screening to soften the look of the proposed

The Honorable J. Robert Haines
Page 2
November 1, 1990

MILES & STOCKBRIDGE

satellites as they sit on the front of the property. Obviously, the variance site was not a site of choice as far as Red Roof Inn is concerned from an aesthetics point of view, but operationally it is the only site that can accommodate both satellite dishes look angles and provide safe screening.

We are also submitting at this time photographs taken of the Hunt Ridge subdivision, as well as views taken from the Hunt Ridge subdivision towards the Holiday Inn south of the Red Roof Inn site. As you will recall, Mr. Markle and Mr. Leberman indicated that the proposed sign would be seen by the Hunt Ridge community. We have taken photographs from the fifth floor of the Holiday Inn looking towards the Hunt Ridge subdivision, as well as photographs taken from the highest points in the Hunt Ridge subdivision.

Contrary to the Protestants' assertion, the Hunt Ridge community is screened by dense trees and berms which block any view of the Red Roof Inn site. The only view of the Holiday Inn sign that can be seen in the community is from the extreme sideyard of Mr. Leberman's residence at 224 Hunters Ridge Road. This is due to the fact that the developer left a large open space adjacent to I-83. As the photos make clear, however, Mr. Leberman's view from his home is not impacted by the Holiday Inn sign. Further, as one travels the frontage width of the open space, the proposed Red Roof Inn site cannot be seen, let alone the proposed elevation of the sign. Accordingly, the argument of adverse impact upon this neighboring community is without foundation as the physical evidence clearly indicates.

Finally, we have included a photograph from the fifth floor of the Holiday Inn looking towards the Red Roof Inn building which shows the grade differential and the difference in height of the Holiday Inn sign and proposed Red Roof Inn 70-foot high sign. First we note that the per-face square footage of the proposed Red Roof Inn sign (216 sq. ft.) will be 74 sq. ft. less than the Quality Inn sign permitted in case No. 88-352-A and 87 sq. ft. less than the square footage permitted for the Knights Inn sign in case No. 85-198-A.

As was pointed out in the hearing before you on October 23, 1990, the actual height of the proposed sign above the grade of I-83 will be 50 feet. The sign in the Quality Inn case was 45 feet above the grade of Route 40 and in the Knights Inn case, 71 feet above the grade of Security Boulevard. Clearly, precedent would argue in favor of the granting of the subject variances, inasmuch as the requested sign is smaller in proposed square footage per face and, lower or comparable in height to both of

The Honorable J. Robert Haines
Page 3
November 1, 1990

MILES & STOCKBRIDGE

the signs granted in the Quality Inn and Knights Inn cases. Obviously, the Holiday Inn and Days Hotel signs greatly exceed the Red Roof sign as to both square footage and height.

Finally, I point out that there was no opposition either to the wall signage or to the proposed entrance sign. Accordingly, I will not address once again the hardship surrounding the variances requested for those three signs (2 wall signs; 1 entranceway sign). If you need any additional information or if any of the foregoing requires clarification, please do not hesitate to contact me. My client thanks you for the consideration you have shown to their Petition and looks forward to your Order on November 2, 1990.

Very truly yours,

Gary C. Duvall

GCD:ld

cc: Mr. Walter Markle
4 Silver Stirrup Ct.
Timonium, MD 21093

Mr. Leberman
224 Hunters Ridge Road
Timonium, MD 21093

Peter Max Zimmerman, Esquire
Deputy People's Counsel

Mr. Gary Hough

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-981-0505
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ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

October 16, 1990

The Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inns, Inc.
Case No. 91-83-A
Location: SW/C W. Timonium Rd.
& Greenspring Drive
111 West Timonium Road

Dear Commissioner Haines:

I received yesterday notice of reassignment of the above-captioned case to November 29, 1990. As you may recall, we filed a hardship request when the Petition for Variances was initially filed. This was due to the fact that it was not known that variances would be required for the signage on this motel site and construction was already well under way.

The Red Roof Inn at the above location is currently scheduled to open by the end of this month. I would greatly appreciate it if you could reschedule this for any time that it can be squeezed in for approximately a 45 minute hearing, since I anticipate no protestants inasmuch as this property is located in a manufacturing zone. To wait until November 29, 1990 will pose a serious hardship on my client in that they will not be able to open their facility and will sustain a substantial loss of revenue, advertising, and promotion expenses planned for the month-end opening.

I greatly appreciate the consideration you give to this hardship request and will do all in my power to work it into your schedule at the earliest convenient date.

Very truly yours,

Gary C. Duvall

GCD:ld

cc: Mr. Gary Hough

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
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1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

November 30, 1990

HAND DELIVERY

Mr. J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inn, Inc.
Case No. 91-83-A
Location: SW/C W. Timonium Rd.
& Greenspring Drive
111 West Timonium Road

Dear Mr. Haines:

On behalf of my client, Red Roof Inns, Inc., I would request that you cancel the Motion for Reconsideration of the Zoning Commissioner's Order of November 8, 1990. My client has determined that it can find a location on the subject site on which to locate its satellite dishes which will meet the necessary setback requirements of the Baltimore County Zoning Regulations. The structures will be attached to the building.

I thank you for considering our Motion for Reconsideration and granting us a prompt hearing date. If you have any questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

Gary C. Duvall

GCD:ld

cc: Ms. Gwen G. Stephens, Hearing Desk
Office of Zoning
Mr. Walter Markle
Mr. Ian Leberman
Mr. Gary Hough

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
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1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

December 6, 1990

HAND DELIVERY

Mr. J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inn, Inc.
Case No. 91-83-A
Location: SW/C W. Timonium Rd.
& Greenspring Drive
111 West Timonium Road

Dear Mr. Haines:

Enclosed please find a Notice of Appeal to be filed in the above-referenced case.

Thank you for your courtesy and cooperation in handling this matter.

Very truly yours,

Gary C. Duvall

GCD:ld

Encl.
cc: Mr. Walter Markle
Mr. Ian Leberman

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 301-981-0505
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1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

January 16, 1992

Ms. LindaLee M. Kuszmaul, Legal Secretary
County Board of Appeals for Baltimore County
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Petitioner: Red Roof Inn, Inc.
Case #91-83-A/Location: SW/C W. Timonium Rd.
& Greenspring Drive - 111 West Timonium Road
Case No. Case No. 91-83-A

Dear Ms. Kuszmaul:

I am in receipt of a copy of your record transmittal in the above-entitled matter to the Circuit Court for Baltimore County. I have noted that certain exhibits have not been transmitted and remain in the Board of Appeals' office because of the unwieldy or bulky nature of said material or evidence. I hereby request that all exhibits be transmitted to the Circuit Court for Baltimore County.

It is not necessary to transmit the remaining exhibits to the Circuit Court for Baltimore County at this time as a trial date has yet to be set in this matter. I will inform you well in advance of trial when to transmit the remaining exhibits.

Thank you for your anticipated cooperation in this matter.

Very truly yours,

Gary C. Duvall

GCD:ld

cc: Phyllis Cole Friedman, Esquire

LAW OFFICES
MILES & STOCKBRIDGE
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
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ROCKVILLE, MARYLAND 20850
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006

August 19, 1992

HAND DELIVERY

Clerk
Circuit Court for Baltimore County
County Court Building
Towson, MD 21204

RE: In the Matter of the Application
of Red Roof Inns, Inc. for a
Variance on Property Located on the
Southwest Corner West Timonium Road
and Greenspring Drive (111 West
Timonium Road) 8th Election
District, 4th Councilmanic District
Case No. 91CF6923/8/355

Dear Mr. Clerk:

Enclosed please find a Notice of Appeal to be filed on behalf of Red Roof Inns, Inc. from the Memorandum Opinion and Order of Judge Cahill which I understand was entered on the docket on July 24, 1992.

Thank you for your customary courtesy.

Very truly yours,

Gary C. Duvall

GCD:ld

Encl.

Received
8-19-92
4:15 PM
CCH

IN THE MATTER OF THE
APPLICATION OF
RED ROOF INNS, INC.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST
CORNER WEST TIMONIUM ROAD AND
GREENSPRING DRIVE
(111 WEST TIMONIUM ROAD)
8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

NOTICE OF APPEAL

MR. CLERK:

Please note an appeal from the Memorandum Opinion and Order
of the Circuit Court for Baltimore County in the above-captioned
action to the Court of Special Appeals of Maryland.

Gary C. Duval
GARY C. DUVAL
MILES & STOCKBRIDGE
600 Washington Avenue
Towson, MD 21204
(301) 823-8155
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 19, 1992 a copy of the
aforegoing NOTICE OF APPEAL was mailed first class, postage
prepaid to:

Peter Max Zimmerman, Esquire
Phyllis Cole Friedman, Esquire
People's Counsel
Room 304, County Office Building
111 West Chesapeake Avenue
Towson, Md 21204

Gary C. Duval
GARY C. DUVAL

A:\GDRED01.MOA\LD
August 19, 1992

-2-

Scientific
Atlanta

Network Systems
Group

November 1, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
Office of Planning and Zoning
Towson, MD 21204

RE: Case Number 91-83-A
Red Roof Inns, Inc.
111 West Timonium Road

Dear Mr. Haines:

On Tuesday, October 23, 1990, Red Roof Inns, Inc. came before the
Zoning Commissioner requesting a variance to permit two satellite
dishes situated five (5) feet from the property line in lieu of the
seventy-five (75) feet required front yard setback.

Scientific Atlanta, Inc. submitted a letter, that became an exhibit,
to support the proposed location of the dish. In the letter, we
referenced the satellite and its coordinates, the look angles of the
antenna, and the operational and aesthetic requirements. Scientific
Atlanta is the manufacturer of the proposed two-way communications
systems, one of the two requested systems.

We understand that at the hearing, you asked Red Roof Inns to have us
review, in written form, alternative locations on the site and provide
evidence that those locations would not be operationally feasible.
Please allow this letter and attached site plan to serve this
purpose. Alternate locations have been numbered in the site plan and
those locations will be addressed respectively. The enclosed
photographs, numbered on the reverse side, also correspond to each
alternate location.

- 1) PROPOSED LOCATION: The proposed satellite dish will
attain a clear line of sight to the RCA K-2 satellite. As
our look angle is 44.3 degrees, this locations will allow
the line of sight to "clear" the I-83 ramp and other
plantings existing on the State owned property. The
location will successfully allow an enclosed fence to be
placed around the dish in compliance with the Baltimore
County Zoning Ordinance.

Scientific
Atlanta

Network Systems
Group

J. Robert Haines
Page 2
November 1, 1990

- 2) CORNER OF TIMONIUM ROAD AND GREEN SPRING DRIVE: The
three story motel obstructs the line of site to the RCA K-2
satellite. The satellite dish, surrounded by an eight foot
fence, may become a visibility hazard to traffic at the
intersection.
- 3) ENTRANCE DRIVE: Pine trees exist in this area that is
also limited in size. Red Roof Inns also proposes an
entrance sign for this location that will accommodate
additional space.
- 4) ALONG SOUTHERN PROPERTY LINE: This location is
approximately seven feet in width. The proposed six foot
wide dish coupled with fencing and concrete slab will not
successfully fit into this location. Automobiles utilizing
parking for both Red Roof Inns and the adjacent property
may become a potential hazard being so close in proximity.
- 5 & 6) INSIDE LANDSCAPED ISLAND: Two dishes within a fifteen
foot boundary and surrounded by fencing will make for a
tight fit. Our main concern, however, is safety for Red
Roof patrons. The dishes and fencing will provide a sight
obstruction to those guest utilizing the western parking
aisle. Visibility around these turns will be dangerously
obscured. Handicapped parking areas are likewise located
near these islands further imperiling the guests.
- 7) SOUTHWEST CORNER: Located in this corner is the
enclosed 10 feet by 10 feet trash dumpster. Further
exacerbating space requirements is the proposed drainage
and slope easement. Red Roof Inns and Scientific Atlanta
do not propose to cut the thirty-five to forty foot high
trees along the State right-of-way that are located here
and obstruct the line of site for the fenced dishes.

MICROFILMED

4356 Communications Drive, Norcross, Georgia 30093, Telephone 404-925-5000; Telex: 4611804; FAX 404-925-6245

4356 Communications Drive, Norcross, Georgia 30093, Telephone 404-925-5000; Telex: 4611804; FAX 404-925-6245

Scientific
Atlanta

Network Systems
Group

J. Robert Haines
Page 2
November 1, 1990

We hope that this letter will reconfirm our original position as
presented on October 23, 1990. The above information is accurate and
applies directly to the property with site plan attached. If
additional information is required or if we can we of further
assistance, please feel free to contact us at your earliest
convenience (404-932-0575).

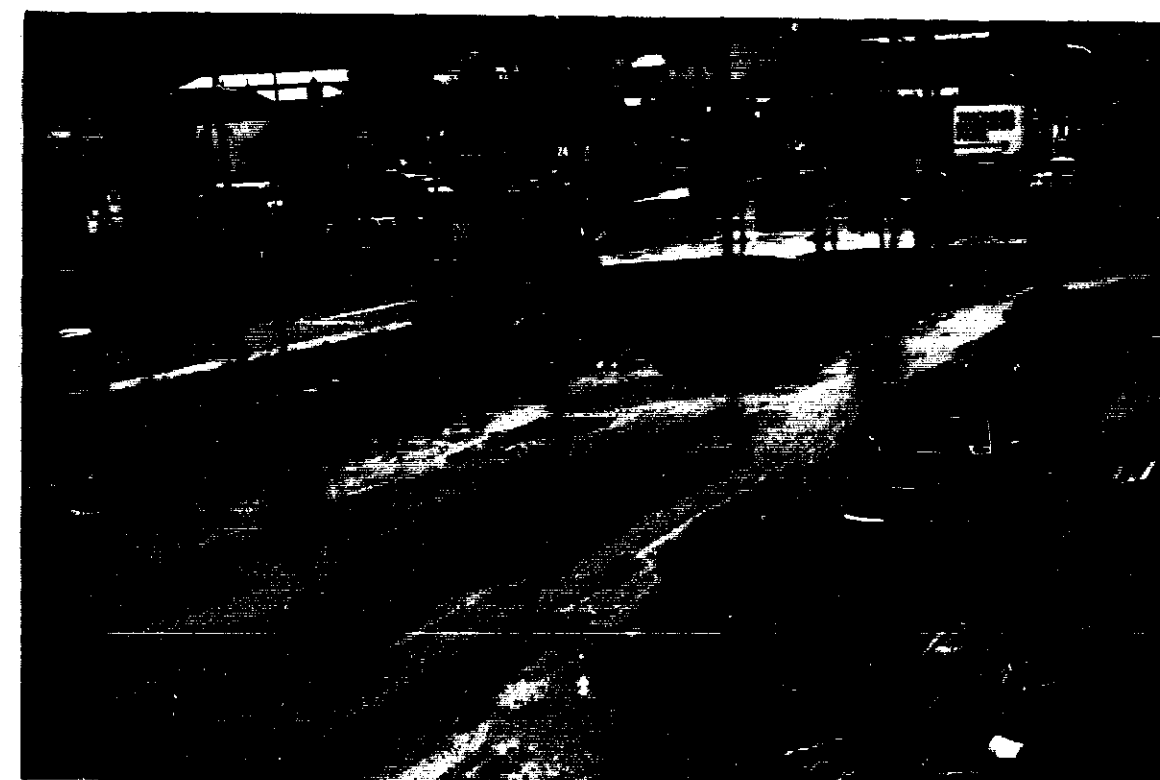
Sincerely,

J. Drummond
J. Drummond
Director - Eastern Regional Network Services
Network Systems Group
Scientific Atlanta, Inc.

Enclosure

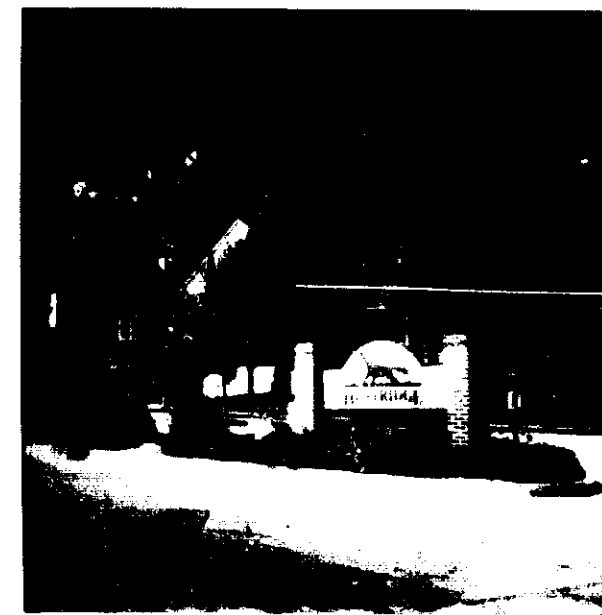
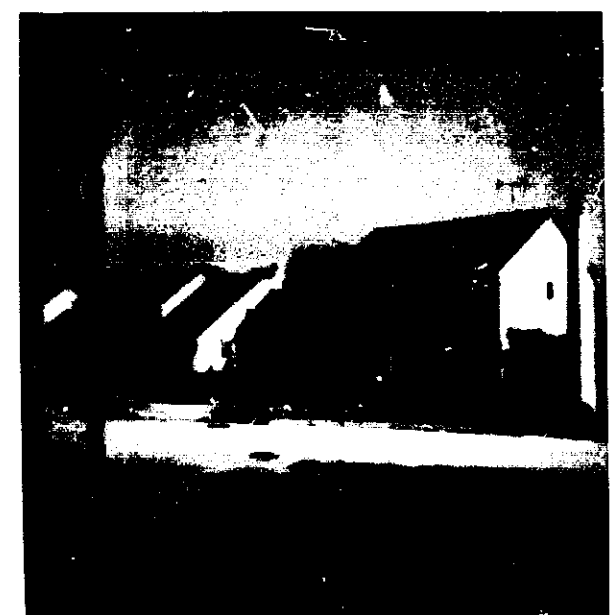
Carol A. Smith

NOTARY PUBLIC, BALTIMORE COUNTY, MARYLAND
MY COMMISSION EXPIRES OCT. 1, 1994



MICROFILMED

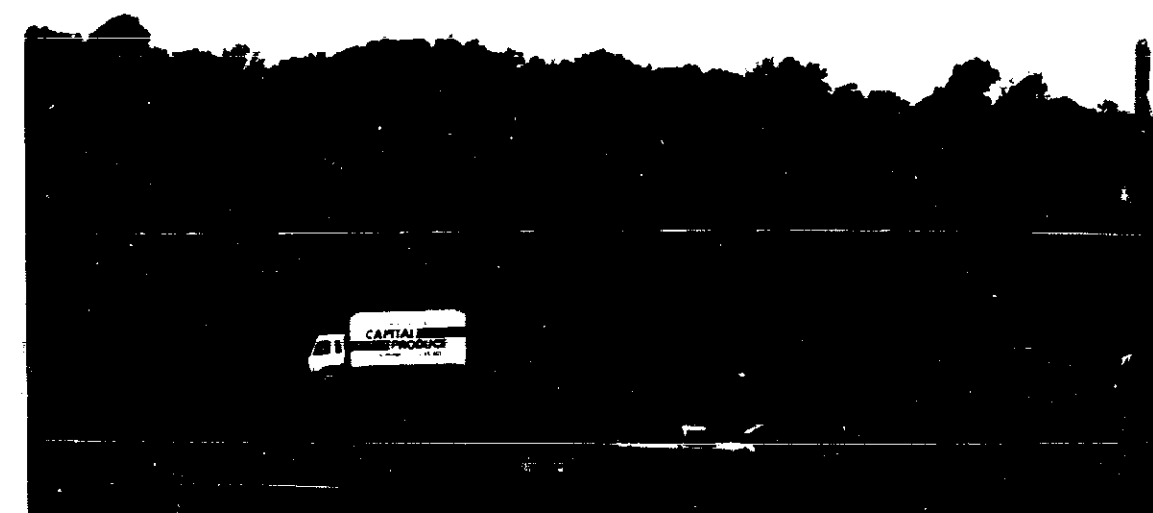
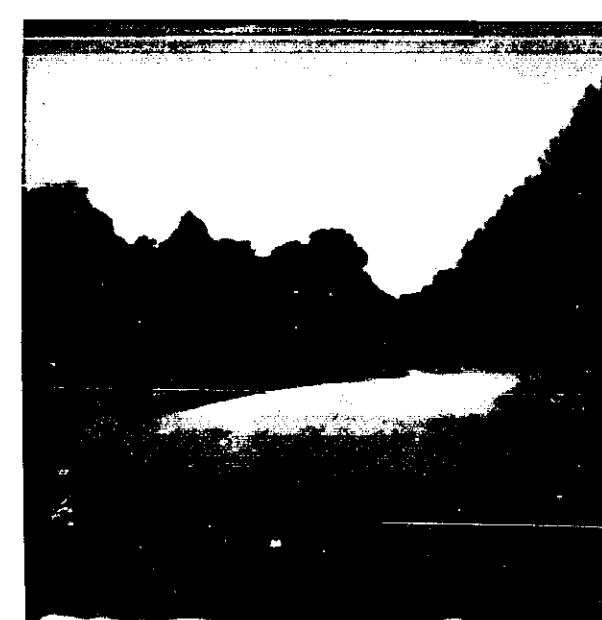
4356 Communications Drive, Norcross, Georgia 30093, Telephone 404-925-5000; Telex: 4611804; FAX 404-925-6245



VIEW FROM TOP FLOOR HOLIDAY INN
TOWARD HUNT RIDGE SUBDIVISION



VIEW FROM HIGHEST POINT IN HUNT RIDGE
SUBDIVISION TOWARD I-83



VIEW FROM TOP FLOOR OF HOLIDAY INN
TOWARD HUNT RIDGE SUBDIVISION



TREE AND BERM BUFFERS IN HUNT RIDGE



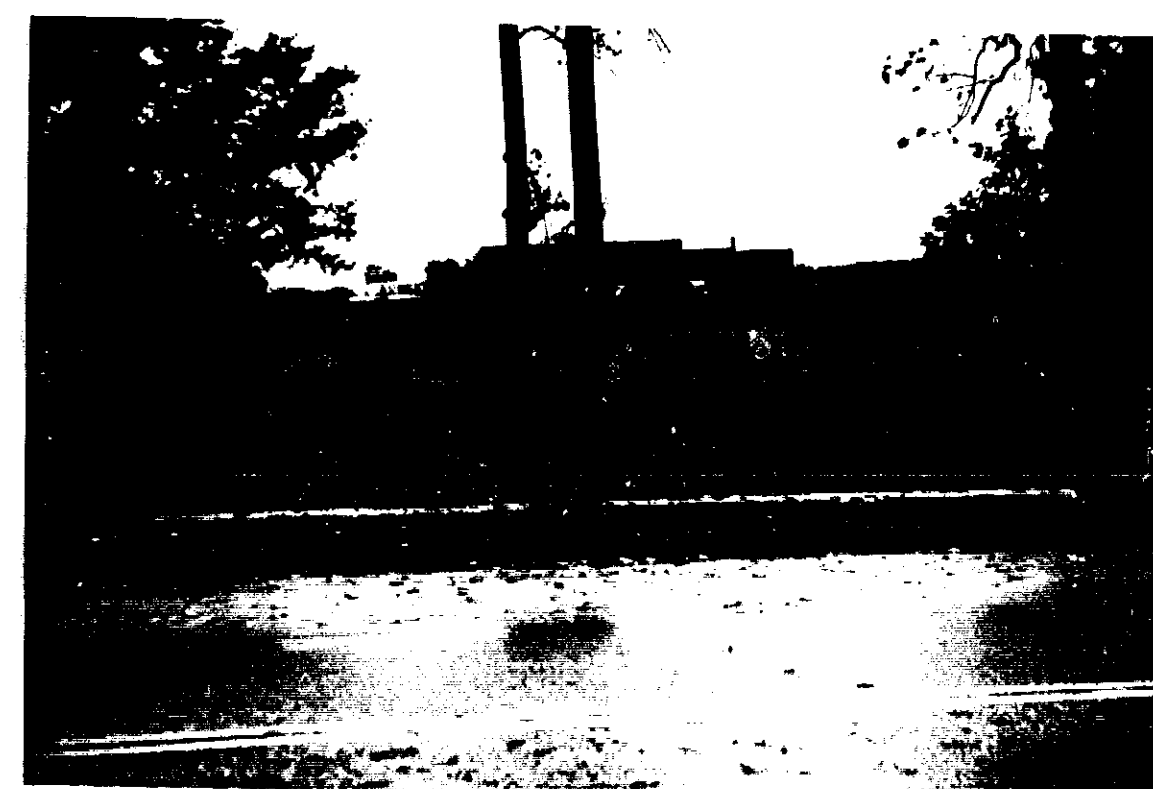
VIEW FROM FRONT OF 224 HUNTERS RIDGE
ROAD (LEBERMAN RESIDENT) TOWARD I-83



EXTREME SIDYARD VIEW FROM
224 HUNTER RIDGE ROAD



VIEW FROM SIDE YARD OF 224 HUNTER RIDGE ROAD TOWARD
HOLIDAY INN. ONLY OPEN TRACT IN HUNT RIDGE.
RED ROOF INN SITE NOT WITHIN LINE OF SIGHT.



VIEW FROM SIDE YARD OF 224 HUNTER RIDGE ROAD TOWARD
HOLIDAY INN. ONLY OPEN TRACT IN HUNT RIDGE.
RED ROOF INN SITE NOT WITHIN LINE OF SIGHT.



VIEW FROM TOP FLOOR OF HOLIDAY INN
TOWARD RED ROOF INN BUILDING

IN THE
**Court of Special Appeals
of Maryland**

SEPTEMBER TERM, 1992

NO. 1406

RED ROOF INNS, INC.,

Appellant,

v.

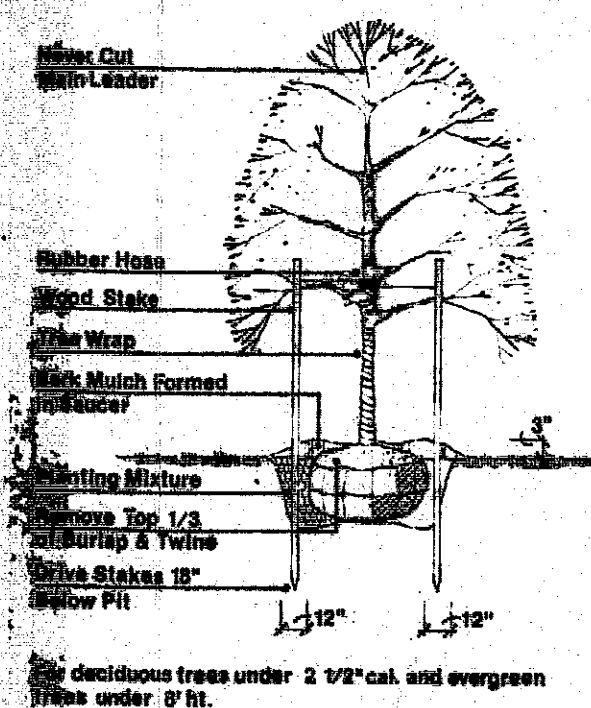
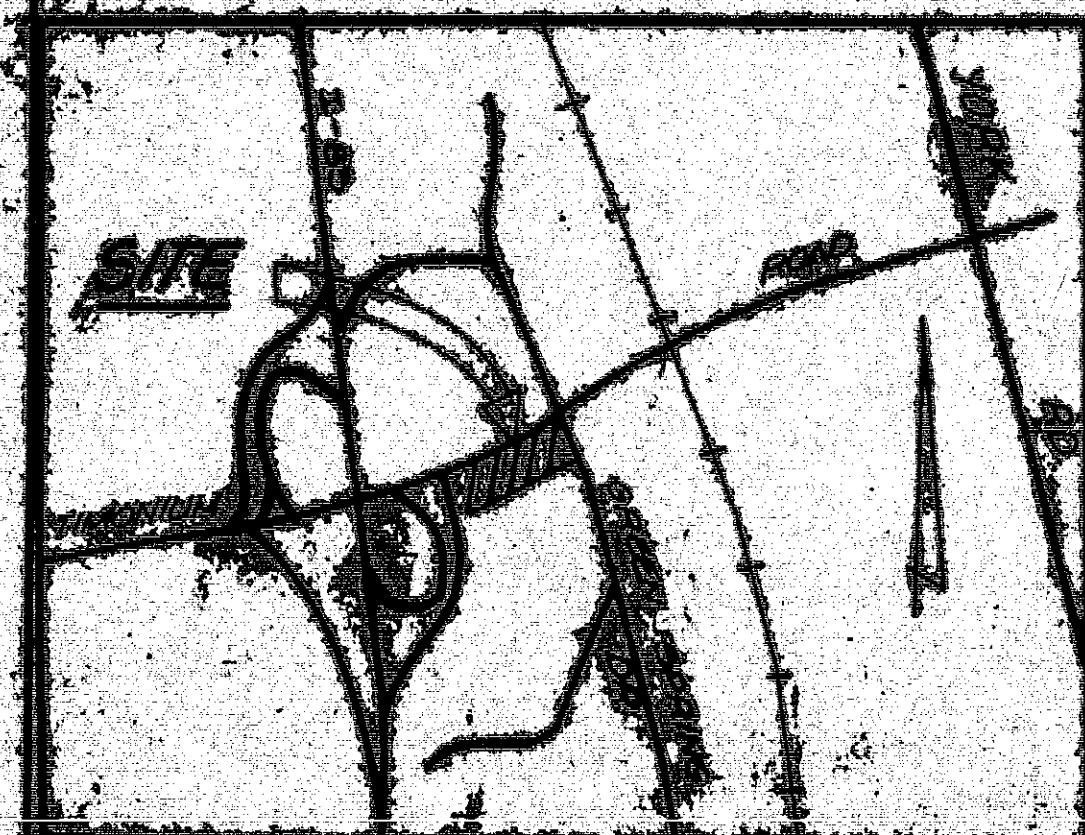
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY,

Appellees.

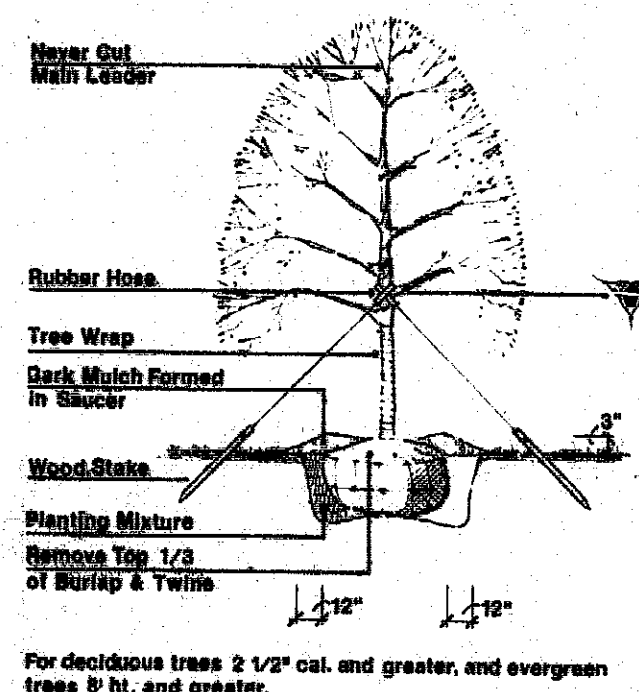
APPEAL FROM THE CIRCUIT COURT
FOR BALTIMORE COUNTY
(ROBERT E. CAHILL, SR., Judge)

APPELLEE'S BRIEF AND APPENDIX

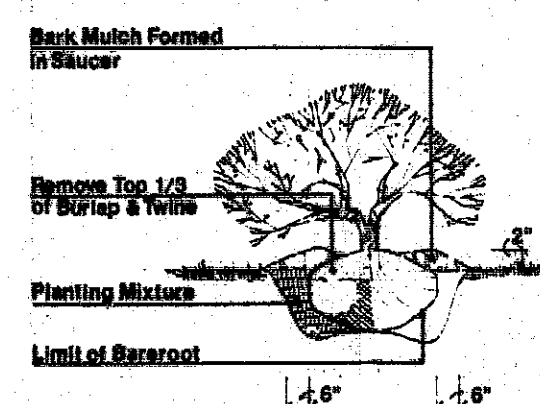
PHYLLIS COLE FRIEDMAN
PETER MAX TIMBERMAN
ROBERT W. ELDRIDGE
Attorneys for Appellees



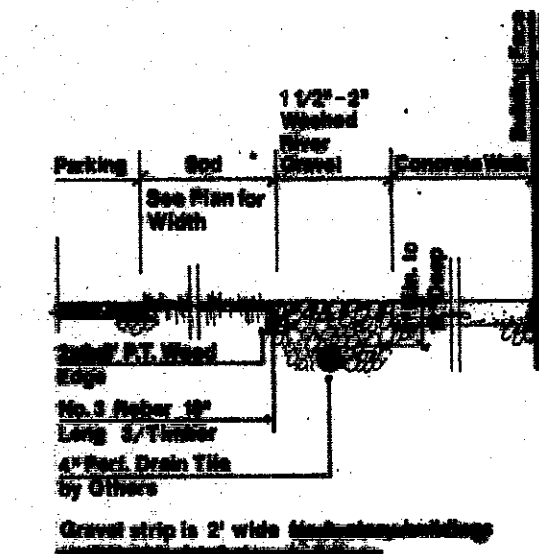
Detail: Tree Staking



Detail: Tree Guying



Detail: Shrub Planting



Detail: Gravel Drainage Strip

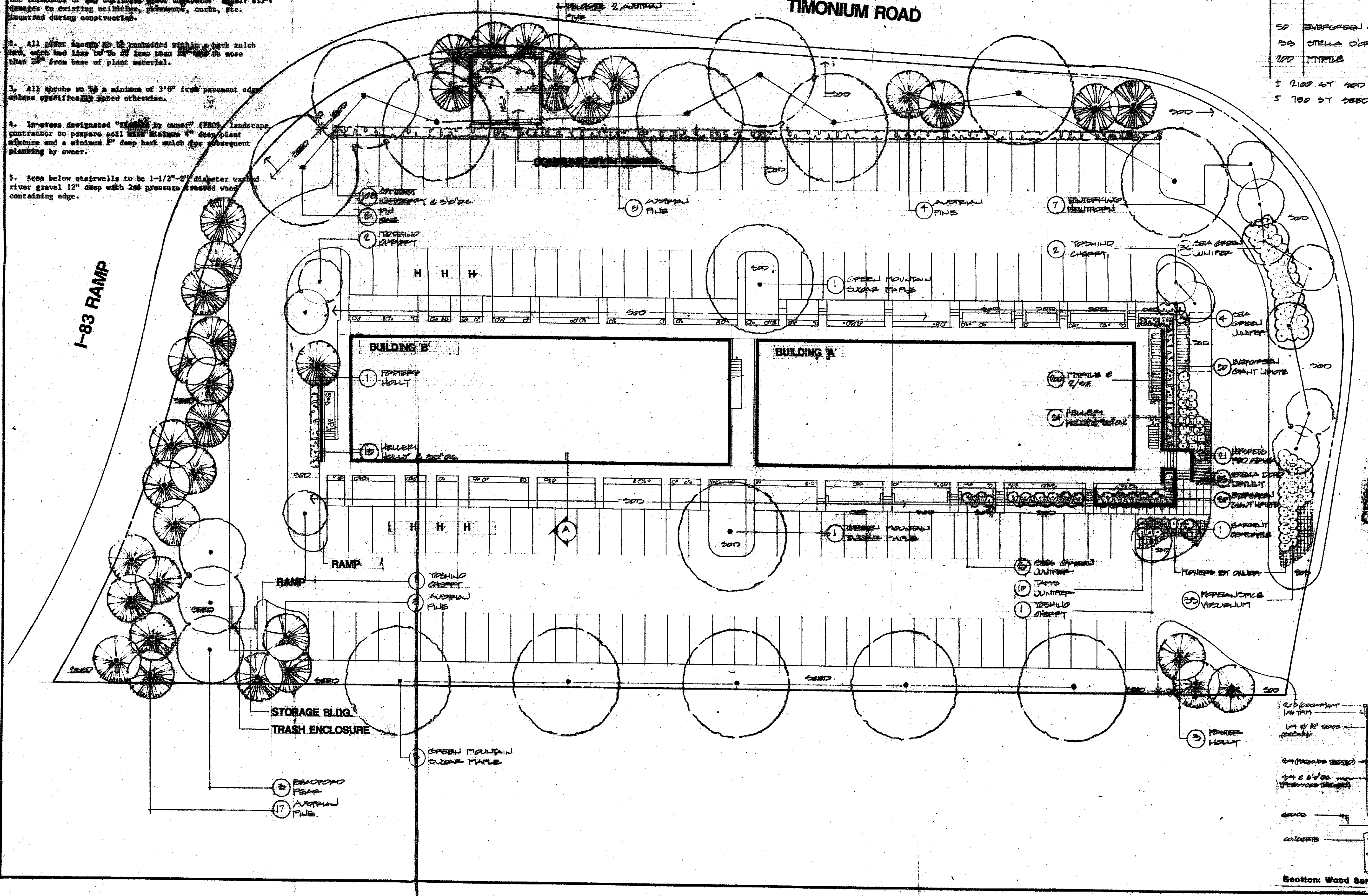
PLANT MATERIALS LIST

QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT	REMARKS
1	GREEN MOUNTAIN CUMMIF. MAPLE	ACER SACCHARINUM GREEN MTN	2 1/2" CAL	PS	
8	PIL. OAK	QUERCUS PALLIDUS	3 1/2" CAL	PS	
3	POINCIANA PEAR	FRAXINUS CALLEPANA	2" CAL	PS	
29	AUSTRIAN FLE.	FRAXINUS NIGRA	2" HT	PS	
4	POINCIANA HOLLY	ILEX AETHEA	2" HT	PS	
7	WINTERING HAWTHORN	CRATAEGUS VIRENS	2" CAL	PS	
6	YONKID CHERRY	PRUNUS YONKID	2" CAL	PS	
1	SARJEET CRABAPPLE	MALUS SARJEET	4" HT 4-5" SP	PS	CUMUL. FORM
156	COMPACT WINTERING	ILEX AETHEA	2" HT	CONT.	
57	HELMER HOLLY	ILEX AETHEA	2" HT	PS	
10	TAMM JUNIPER	JUNIPERUS COMMUNIS	18" SP	CONT.	
30	YONKID VIBURNUM	VIBURNUM YONKID	2" HT	PS	
66	SEA GREEN JUNIPER	JUNIPERUS COMMUNIS	18" SP	CONT.	
21	HERNIMYD PEO AZALEA	AZALEA HERNIMYD	24" SP	CONT.	
50	EVERGREEN SHANT WEDGE	WEDGE WEDGE	1" CAL	CONT.	
25	STELLA DORO DAYLILY	HEMIPHYLLIS STELLA DORO	1" CAL	CONT.	
100	TIPTOP	VILPA TINTOP	2" HT	CONT.	

1 2100 ST 1000
5 700 ST 1000

GENERAL NOTES

1. Construction to verify that existing utilities are located as shown on the plan. All utilities shall be marked and labeled. All changes to existing utilities, pavement, curbs, etc. shall be noted during construction.
2. All plant material to be planted within a week of receipt. All plant material shall be stored in a cool, dry place. All plant material shall be stored in a cool, dry place. All plant material shall be stored in a cool, dry place.
3. All shrubs to be a minimum of 3" from pavement edge unless specifically noted otherwise.
4. In areas designated "plant by owner" (PBO), landscape contractor to prepare soil and plant material. All plant material shall be stored in a cool, dry place. All plant material shall be stored in a cool, dry place. All plant material shall be stored in a cool, dry place.
5. Area below driveway to be 1-1/2" x 2" diameter washed river gravel 12" deep with 24" pressure treated wood containing edge.



B. All plans shall contain a written certification that the plan has been prepared in compliance with the Landscape Manual. The certification shall read as follows:

"I certify that the schematic planting plan shown herein is consistent with the goal and intent of the Baltimore County Landscape Manual, 1988, and meets all applicable policy, guidelines and ordinances."

Signature of Applicant _____ Date _____

C. All final landscape plans shall contain a written certification signed by the applicant and/or developer which guarantees that the plan is in accordance with the approved plan. The certification shall read as follows:

"I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be planted is in accordance with the Baltimore County Landscape Manual, 1988, dated May 7, 1988."

Signature of Applicant _____ Date _____

CRG FILE # 88231
CRG APPROVAL DATE
FEBRUARY 17, 1989

LANDSCAPE PLAN
SCALE 1"=20'

☐ Preliminary ☒ Construction ☐ As Built

Location:	
BALTIMORE, MD. (NORTH)	
Owner: RED ROOF INNS, INC. 4355 Davidson Road Columbus, Ohio 43026	
Date: 4/2/89	Drawn by: R.M.
Revision:	Date:
1	8/15/89
2	10/15/89
3	12/15/89
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100	1/15/98



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